

MINUTES
NEVADA HOMELAND SECURITY COMMISSION MEETING
Thursday, Oct 28, 2004, 9:00 am – 1:00 pm

AGENDA ITEM #1: CALL TO ORDER, OPENDING REMARKS AND ROLL CALL –
CHAIRMAN DALE CARRISON

Chairman Carrison called the Nevada Homeland Security Commission to order at 9:01 a.m. He welcomed everyone and asked each Commission member to introduce him or herself. [this served as the roll call & made evident that a quorum was available to conduct business]

Name	Present	Absent	Name	Present	Absent
Dr. Dale Carrison	P		Ms Maureen Peckman	P	
Mr. Jerry Keller	P		Mr. James Spinello	P	
Sheriff Dennis Balaam	P		Ms Rosemary Vassiliadis	P	
Mr. Robert Fisher	P		Chief David Washington	P	
Chief Earl Greene	P		Mr Bill Welch	P	
Mr. Robert Hadfield	P		Sheriff William Young	P	
Ms Ellen Knowlton	P		<u>Non-Voting Members *</u>		
Chief Chuc Lowden	P		Senator Dennis Nolan *	P	
Chief Michael Mayberry	P		Assemblyman William Horne *	P	
Ms Kimberly McDonald	P		Mr. Glade Myler *	P	

Mr. Keller, "Jerry Keller, Vice President, Security, Wynn Las Vegas.

Mr. Myler, "Glade Myler, Council from the Attorney General's Office, Council for Homeland Security.

Ms Knowlton, "Ellen Knowlton, SAC for the FBI for State of Nevada.

Mr. Mayberry, "Mike Mayberry, Henderson Police Chief.

Mr. Washington, "Dave Washington, Chief, Las Vegas Fire & Rescue.

Mr. Greene, "Earl Greene, Fire Chief of Clark County Fire Department.

Ms Vassiliadis, "Rosemary Vassiliadis, Deputy Director for McCarren International Airport.

Ms McDonald, "Kimberly McDonald, Lead Lobbyist for the City of North Las Vegas.

Mr. Hadfield, "Bob Hadfield, Executive Director, State of Nevada Association of Counties.

Mr. Spinello, "Jim Spinello, with Clark County Manager's Office

Mr. Welch, "Bill Welch with the Nevada Hospital's Association

Mr. Horne, "William Horne, Assemblyman, District 34.

Mr. Fisher, "Good morning Mr. Chairman, Bob Fisher, Nevada Broadcasters Association; responsible for the emergency alert system, which is the voice of Homeland Security.

Ms Peckman, "Good morning, Maureen Peckman, Principle Peckman Sign Co, and community advisor.

Mr. Young, "Bill Young, Clark County Sheriff.

Mr. Balaam, "Dennis Balaam, Washoe County Sheriff.

Mr. Lowden, "Chuc Lowden, retired, City of Reno Fire

Chairman Carrison, "Thank you, everyone, for your introductions. I would like to make some initial remarks in regards to the Commission. As you know there was a lot of media attention with regard to the previous Commission. I don't want to let that detract from the Commission or the Commission's work. I like to think we have a leaner and meaner Commission. I like to think that we have divided and conquered, with Lieutenant General Vanderhoof who will be the Governor's cabinet level appointee, as the Nevada Homeland Security Director. Is that correct Giles?

Major General Vanderhoof, "Administrator."

Chairman Carrison, "Administrator. I think there is some misinformation with regard to what I see as the role of the Commission. The role of the Commission is advisory. We've got statutory requirements that are set forth. We are here to provide recommendations, opinion of a very fine group of individuals, with regard to allocation of resources and oversight of the Nevada

Homeland Security. We're not here to do the work of the local emergency agencies. I believe we are here to coordinate that. I believe we are here to identify priorities within Nevada Homeland Security so we can make certain that the citizens of Nevada, and the visitors to our state, [know] that we are as prepared to handle any disaster as we could be for them. The other point I would like to make with regard to the Commission; we talk about terrorist activities, we talk about disasters, but I think we all need to remember, when we talk about hazard and emergency management, -- if the building falls down because of a design defect, because of an earth quake, or because a terrorist blew it up -- there will be different roles for certain people within that, but the response and recovery to that is still going to be the same. I think we need to all keep that in mind. Thank you for that.

AGENDA ITEM #2: APPROVAL OF MINUTES FOR THE MAY 24, 2004 MEETING - (Discussion/Action)

Chairman Carrison, "I would like to go to the approval of the minutes for the May 24, 2004 meeting. All of you should have received a copy of the that, and my other caveat is ... Ah, Gwen.

Ms Hadd, "Just for the record, Dr. Carrison, I would like to point out that we do have a quorum.

Chairman Carrison, " We have a quorum, that means we can continue our business. In any event, my other caveat to the other members of the Commission is that I appreciate very much that you read everything we send. We will make an absolute effort to have the information to you before any meeting so you can familiarize yourself with our agenda and those items that will come before you, because, if you come here and try to read this in this business, it simply won't work. The other part is, we will make every attempt to not have meeting every week. We will have meetings as required at least by legislation of once a quarter. Hopefully, those meetings will be productive, the sub-committees may meet more often, but we will discuss that later. Back to the Minutes, I'd like a motion to approve the minutes of the May 24th, 2004 meeting?

Sheriff Mayberry: "I'll make that motion.

Ms McDonald, "I'll second.

Chairman Carrison, "It has been moved and seconded to approve the minutes. Do I hear any objections? [none heard] All those in favor signify by saying 'Aye' " [many voices saying 'Aye']

The minutes of May 24th, 2004 are approved."

Chairman Carrison, "Chairman's prerogative, we're going to take a couple of items out of date [order]. I'm going to have Mr. Siracusa come up and we're going to combine Item 4 and 6, so he can present all of the information at one time instead of dividing it. Mr. Hadfield is going to join him at the table. I have asked Mr. Siracusa to give us an overview for the benefit of the new Commissioners. I also asked him, with regard to acronyms and abbreviations that he explains those. I think when you are in his business and you deal with this on a daily basis -- I know that at my first Commission meeting there were a lot of abbreviations I had no idea what they meant -- so if you could do that Frank, we would appreciate it. Please, introduce yourself.

AGENDA ITEM #3: STATUS REPORT: HOMELAND SECURITY GRANTS FOR FEDERAL FISCAL YEARS 2002-04. (Discussion Only) - Frank Siracusa, Division of Emergency Management. Overview of grant distribution, report on unexpended grant funds and distribution of residual funds. [combined with] AGENDA ITEM #6: UPDATE ON FEDERAL OFFICE OF DOMESTIC PREPAREDNESS (ODP) PROGRAMS (Discussion Only) -- Frank Siracusa, Division of Emergency Management, Review of Congressional Bills H.R. 3266 and S.1245 and potential impacts on the FFY05 funding cycle for Nevada and the LEPCs.

Mr. Siracusa, "Good morning, Mr. Chairman and members of the Commission. My name is Frank Siracusa. I am Chief of the Division of Emergency Management and also serve as the

State Administrative Agency for administration of the Homeland Security Grants. What I would like to do, as Dr. Carrison said, is take a couple minutes to explain the role of State Administrative Agency and our role in administering the Homeland Security grant dollars and kind of clear up some acronyms that are out there. Back in Federal Fiscal Year 1999, when the first, and when I say Homeland Security grant dollars at that time they were Justice dollars, were starting to come down to the states, Congress asked each Governor to identify a point of contact (agency) within state government, that would be the single point of contact for administration of all Homeland Security dollars. The Governor identified the Division of Emergency Management at that time, because the division has experience working with local governments in several different types of grants, from several different federal funding sources. We administer the grant dollars based on criteria that comes down from the Federal Government, and that criteria changes with each fiscal year, and sometime that criteria might change more than once a year, if there are additional grant dollars coming down. We also incorporate the requirements and the recommendations, and the policies that are established by you as members of this commission – as how those Homeland Security dollars will be distributed. [We will then know] How they will be evaluated, and the criteria that goes along with those dollars, when it gets down to the local government. So in essence, we are staff to both the federal government and to this body in ensuring that those Homeland Security grant dollars are administered following the guidelines from the federal government and state government. So that is, in essence, what we do, and in a few minutes when Bob Hadfield talks he will be getting into some of the areas of criteria that the Finance Committee is going to recommend to this body. That is a little quick synopsis. You will hear ODP, and ODP is the Office of Domestic Preparedness. ODP is now an office within the Department of Homeland Security. It is the central office where all Homeland Security Grant dollars are generated through to the states. So that is just a kinda quick synopsis of how we kind of fit into the picture. I want to say to this commission that the Division of Emergency Management is here to provide staff support, not only to General Vanderhoof and the office of Homeland Security, but also to the members of the Commission. Anything that we can do to answer questions in the future or support you folks in your efforts to do your job, please feel free to call us.

Mr. Siracusa, “With that I would like to just lead into another agenda item that we have which is a quick overview of expenditures of Homeland Security Grant dollars to date. Gwen has passed out a series of spreadsheets that we have put together within the division that gives kind of an overview of where we are at in our current grant funding cycles from Federal Fiscal Year '02, Federal fiscal Year '03 Phase I and II, and we do not yet have the numbers for Federal Fiscal Year '04; for both local governments, tribal nations, and also state government. Now, I would also like to clarify something with these spreadsheets. We, at the state as the SAA, receive a quarterly report from all of the sub-grantees [that] identifies what expenditure they have incurred in that particular quarter, and then based on that we then initiate re-imbursement to those local jurisdictions. So what you are seeing here is actually as of the quarter that ended on Jun 30th. What happens is: the quarter ended Jun 30th, we give the sub-grantees 30 days to submit their claims to us, and then 15 days thereafter we'll generate a report that shows where we are as of that particular date. The actual closing date of the most current quarter was September 30th and we have given the sub-grantees until Oct 31st to submit their reports and then Nov the 15th we will generate a new series of spreadsheets which will have much more current information. So this is just a guide for you folks. The information has changed substantially from the end of the quarter ending Jun 30 to the quarter that ended October 31st, so there are a lot of expenditures that have taken place in this last quarter that are not reflected in this. In order to give you some type of a benchmark and some information, that is why we generate these spreadsheets. What I will do, if this is satisfactory with this commission, we will generate the same type of spreadsheet again November the 15th and then we will copy members of the Commission. This way you will have a continual overview of where we are at in the State of Nevada on our expenditures. Because, the most important thing is we want to make sure that we expend dollars on what we are supposed to expend those dollars on, and they are expended within the time periods; so we will never, ever, run the risk of ever having to turn money back to the federal government. So, as you look at these spreadsheets, if there is anything you would like added or changed or simplified, please let me know and we will certainly comply with that.

Mr. Siracusa, "The next issue I would like to touch on a little bit is our scheduling for '05 Homeland Security dollars. And probably as you all know, we still do not know exactly the exact dollars we are going to get. So all I can give you right now is a kind of general snapshot of what we're looking at. As of Oct the 18th The Department of Homeland Security, from Congress, has been given 45 days to send out notices of availability to the states. What that includes would be: the grant criteria for '05 Homeland Security Dollars along with the timelines and the collar amounts that each state is going to receive based on the established criteria that Congress is using. So, we expect within 45 days, as of Oct 18th, that we are going to be getting a Notice of Availability from Homeland Security that is going to say, 'the State of Nevada is going to get "X" amount of dollars...or the State of Nevada can apply for "X" amount of dollars and this is going to be the grant criteria.' From that point, once we receive the Notice of Availability, states have 45 days, 45 working days, to submit their applications to receive those funds. Once the Federal Government, or Homeland Security receives Nevada's application they have 5 working days to approve that application and initiate a Notice of Grant Award to the State of Nevada. Once the State of Nevada receives that notice of grant award the clock starts ticking. We have 60 days in order to obligate those Homeland Security dollars. So, what our vision is, with the concurrence of this body, we have already, within DEM, developed the application with all the assurances. We're just waiting now for some of the additional federal criteria to come down. And also the criteria that is going to be approved today by this Commission, will be added into those applications. Once we receive Notice of Availability, we will then send those applications out to all of the political sub-divisions in the state. We will not submit our application to the federal government when we get the Notice of Availability. We're gonna hold off for a few week, probably, we're going to hold off for 35 to 40 days. This is what my recommendation would be. That will allow us an additional 35 to 40 days on top of the 60 days in order to work with our local governments to ensure that our applications are where they need to be, to ensure that all of the applications meet the grant criteria of both the federal and state level, to make sure that the applications fall in line with the Needs Assessments that were done through ODP and have been approved, that every item that is being requested by a local government must be identified as a 'need' on the Needs Assessment. Then we can make sure that we have adequate time to, that gives us that extra time to go through those applications and make sure that everything is just where we are. So we get the best bang for the buck on these monies. That is kind of the timeline, like I said, we really don't know exactly how much money we are going to get. It looks like it's going to be pretty close to the same. We don't now whether there is going to be an increase in the Urban Area Security Initiative (UASI) grant, so we will certainly keep this Commission informed as we get information in these areas. So, that's kinda my, without tying up a whole lot of time, that is kind of my quickie overview of the timeline and I would be happy to take any questions from you and members of the Commission.

Chairman Carrison, "Do any members of the Commission have questions for Mr. Siracusa?

Mr. Welch, "Thank you, Mr. Chairman. Bill Welch. Frank, is there specific guidelines for these funds? And if there are specific guidelines, what effort, being new to the Commission, what efforts are implemented or followed to ensure that there is a coordination of meeting the objectives and the disbursement of these funds, so that we avoid duplication? Also, there are other funds that are available that flow into the state and I'm curious what process is followed to coordinate these funds coming in with the other funds that are available, so that we maximize the dollars in our efforts to be prepared for a catastrophic situation. Thank you.

Mr. Siracusa, "Bill, I will be happy to answer those questions. The first part of the question is on the criteria – we work through each of the 17 counties local emergency planning committees. There's a LEPC here in Clark County. The LEPCs have their sub-committees and they review the applications from the various disciplines that comprise their LEPC jurisdiction to ensure that agencies in the County to meet the Needs Assessments. Like I said, one of the requirements is that the local governments identify their needs on the Needs Assessments, and the LEPCs as well as our office have to take a look at those applications to make sure that the items they asked for are identified on the Needs Assessments #1. And that every particular item that is asked for is part of an approved equipment list that ODP sends down, or is approved training as part of a training curriculum that ODP has established. The LEPC is the first point with, particularly down here, with the various disciplines to make sure that particular application

meets that criteria. The application then comes to the State and in our office; we then review the application again to make sure that it meets the criteria. Finally, the application comes back for final approval of this particular body. Now, the second part of your question, I am here to present the Office of Domestic Preparedness (ODP) Homeland Security Grant Program. In Federal Fiscal Year (FFY) '04 that consisted of the State Homeland Security Grant Program (SHSP), the Law Enforcement Prevention Program (LETPP) which was geared strictly for law enforcement agencies, and the Citizen Corps Program (CCP). The other area is the Urban Area Security Initiative (UASI) which is a direct grant earmarked specifically for the Clark county greater metropolitan Las Vegas area. Those are the grants that I present as the SAA. There are other funding streams that come into the State of Nevada. The Health Department receives funding through Center for Disease Control (CDC), and there are smaller pots of money that come into various other state agencies. I believe it was the consensus of the Finance Committee that all of those --- certainly, our recommendation for you folks, is to have the overall broad picture you need to have an understanding of all of those grants and how all of those grants are being impacted within the state, so there is no duplication of effort. I believe that Bob and Dr. Carrison, being at the Finance Committee meeting can certainly elaborate more on that thought.

Ms McDonald, "Thank you, Mr. Chairman. Also, at the Finance Committee meeting it was acknowledged that we will be having the need to meet expediently in order to develop the criteria. Your testimony you just stated that you're awaiting other Federal Criteria as well. At our prior Finance Committee meeting we stated that we would seek the input of the LEPC committee also. So that is something we know we have that mission to accomplish.

Mr. Siracusa, "Yes, as I said, there is the Federal Criteria that changes almost every grant cycle, and it increases each cycle. Once we get that criteria, it will be included in the grant criteria package. We want to be able to send out to every sub-grantee a comprehensive application package. From A to Z it spells out all the requirements they have to meet on the Federal side and all of the guidance and criteria that has been established from this commission. So when the Sub-Grantee gets the application, its right there spelled out and everybody knows where we are going with it. We are waiting for the Federal criteria, we know some of it, but we are waiting for it all, and after today we should have approval on the recommendations from the Finance Committee so we can then tie in the State side and then be able to put the application together.

Dr. Carrison, "Any further questions for Mr. Siracusa?

Mr. Keller, "Yes, Mr. Chairman. In the grant status reports, you asked if there were any requests. I would like to see each of the jurisdictions within each jurisdiction summarized. I would like to see an overall gross summary as to what the total volume dollar was at the local jurisdiction as well as the tribal nations, as well as the State agencies. I would also like to see a percentage figure for each of those political subdivisions of that total. If that would be appropriate as a measure against distribution, if that is accomplishable.

Mr. Siracusa, "We certainly can do that.

Mr. Keller, "My second issue is, with the distribution of these millions of dollars, and I know you are compiling these lists from submissions by the political jurisdictions to which the grants were awarded. Do we have a process in place to audit the expenditure of these funds, or do we even have the authority to audit the expenditure of these funds, to ensure that what they were committed to was what they were spent for and to reconcile the books? It would be a shame for a political jurisdiction, I'm just using a figurative here, to receive a thousand dollars to buy something that they had predetermined fit into the ongoing continuity of Homeland Security preparations. Not only for response, and I did hear the word prevention this morning, but prevention has got to be our buy-word. If they commit monies an element of Homeland Security in a program of continuity through multi-years, or through a mission and a task, how do we audit to determine that is where the money went? Do we have the ability, or the resources or the staffing in your office to do that?

Mr. Siracusa, "It is a difficult process, but we do audit, we have to audit. We are audited by the Federal Government each year on these particular grants. The State is the Grantee, so when we sub-grant out to the political subdivisions, when the Federal Government comes in to audit they hold the State of Nevada liable as the Grantee for these dollars. We have to ensure that those dollars are being spent appropriately, so we do have an audit process, our folks do audit and it is an ongoing process. We were able to, fortunately on the admin side of the Homeland Security Grant dollars, 3% Admin Dollars, we were able to augment our staff with four staff folks. They

dedicate their time 100% just on these Homeland Security Grant programs. Just on the auditing, tracking. We take a look at all the change orders that come across, because there are change orders that come through the year. Where items come in lower or a scope of work changes, and we look at those and evaluate those to ensure that we are in compliance with the grant criteria. Because the last thing we want is to have the State have to knock on somebody's door saying that we spent some monies inappropriately, not that anybody is trying to do anything maliciously, but because we changes scope, and if something wasn't approved then we have to ask for payment back. So to answer your question, we do audit. Could we probably do a better job if we had more staff? That could always be the question, but I think we do a pretty good job as far as really ensuring --- and that is really protecting the Governor and the State and all of you folks here have an iatrical part in this. We really look at these very closely, and we review these very closely to make sure that we are in total compliance with those grant criteria.

Mr. Keller, "and as a result of the State's audit in preparation for the Federal audit are those documents available to the Commission in time before we commit the '05 dollars?

Mr. Hadfield, "Mr. Vice Chairman, some of the recommendations that we will be taking up were focused around your concerns. Right now there is a lack of information and Glade will join me when I give my report, we have some intriguing legal difficulties, but we think we are coming up with ways to get that kind of accountability.

Chairman Carrison, "Any further questions for Mr. Siracusa? [none are heard] Carson City, any questions? [none are heard] Mr. Hadfield would you like to go ahead with the Finance Committee's recommendation?

AGENDA ITEM #4: FINANCE COMMITTEE REPORT: RECOMMENDATION TO THE COMMISSION ON ODP FFY 05 GRANT FUNDING FORMULA (Discussion/Action)* – Commissioner Robert Hadfield, Chairman, Homeland Security Commission Finance Committee

Mr. Hadfield, "Thank you Mr. Chairman. As a prelude to my comments I would like to make a couple of comments. I could not do this document until I had the 39 pages of minutes, verbatim minutes, for the meeting that we had. So the document before you does not reflect everything that was discussed, it does reflect every motion that was made. It includes one highlighted effort. I apologize. It is our goal to get it to you well in advance of the meeting. You have a hand out in front t you of that is two pages long. I will embellish it as I go along. I would like to than the Finance Committee who spent a great deal of time trying to figure out how we're get our hands around the process to address the timeliness of reports; how do we get the money to flow through the system, how do we ensure that the monies spent are in fact meeting the requirements. So I think it was both a very good meeting and a very educational meeting. I think we all learned something. Two things, I think highlights the purpose of issue accountability and getting reports so this commission can be fully advised and feel comfortable that the guidelines set forth by the Commission are being met. Secondly, I would have to say that there was unanimous agreement that we needed to a statewide threat assessment. I know there are individual entities that have completed threat assessments and that's a whole intertwined issue. We felt very strongly that in the absence of the document like that, frankly we don't know if we are matching efforts and resources to accomplish overall goals. That's just a general comment. The recommendations I am going to discuss with you were taken up at great length, as I said my report tries to reflect the consensus. As I said I thought I ran the meeting very well, but we had motions on page and then four pages later in the minutes we changed something and we did something else. So I attempted to work it all together. I would like to say these are recommendations to the full Commission coming from your Finance Committee. That day we had Dr. Carrison, Chuc Lowden, Kimberly McDonald, Jim Spinello, Bill Young and myself present. So we had nearly the entire committee present and we did have participation from the audience. We had comments from representative agencies who receive funding and I feel very confident we gave them an opportunity to express their desires, concerns and suggestions. I hope that we incorporated them not only in our dialogue, but in our recommendations.

“The first recommendation you have is, and you probably wonder why we have this..? One of the problems we have as a Commission, and the State Administrative Agency has, is once these funds are awarded there are considerable numerous problems various local entities have committing these funds. What we are trying to say is ‘we want you to commit the funds, and we want you to do it in a way that meets the legal requirements of the Federal so that there is no question. What we are seeing is a lot of the equipment being purchased, everybody in the United States is trying to buy. We have some vendors that can’t get it to the agencies in what we would normally would think is a reasonable amount of time. We have weighed in on the side of an argument that is going on and saying that purchase orders should be recognized as a legal commitment of the funds by local entities to say it is a legal contract. There are changes going on we’ll know answers to later on in the Federal bureaucracy about whether or not they are going recognize this or not. I just wanted to bring that up to you because it is a valuable tool that we need local entities to have to use. Some of them do use them, but the problem is the formal recognition that they constitute a contract – and that’s the Federal Government. We have asked the Attorney General, who sits on the Federal Department of Homeland Security’s Advisory Council, to help us in that effort.

“The recommendations really start with number two. That is, “The Finance Committee recommends that the Commission adopt a policy that would require entities to formally allocate funds prior to the end of the Sub-Grantee’s performance period or the funds would revert back to the Commission.” The problem here is, we want to make sure when somebody puts a grant application in and it is something they say they need and it meets all the criteria that Frank eluded to, that they are in fact going to do something about it, and they have to do something about it within an appropriate amount of time without having to come back and ask for an extension because they perhaps didn’t get to it. I am not pointing fingers at any local government there are all kinds of circumstances. As Frank eluded to you earlier, we would like to set forth in the application process, as strongly as possible, policies that say, ‘Look, this is serious, as soon as you get this, do something about it, don’t put it at the bottom of the “in-basket” then go out of town and its buried. That is what that is about. We also recommended that, obviously, if they can’t get it done they need to appeal to somebody, we can’t just be arbitrary and capricious. We recommend that the Finance Committee sit as the board of appeals. Now I will say that was done simply because we thought it would be easier to get a fewer number of people to get together, and obviously, we would weigh to the Commission because you are the final authority. This is simply trying to cut the process a little bit. Our hope is that we wouldn’t have to have any. So we would like you to adopt that as a policy. With your permission, Mr. Chair, I will go through these, and then we can come back.

Mr. Chairman, “Yes. We will come back and address each one as a motion.

Mr. Hadfield, “Are there any questions about that policy recommendation?

Mr. Fisher, “Bob, several of us don’t have copies of the report.

Mr. Hadfield, “While we are waiting for those to be distributed. In the third item on the list, we’re really formalizing something that exists now with a little twist. And that is that the Commission should adopt a policy requiring that extensions and change requests to be under the purview of the Division of Emergency Management [SAA] to manage it. They are, and I will explain that a little later. We recommend appeals go directly to the Finance Committee. Now here’s the kicker; we want to make sure that when we say change order we define what is and acceptable change order. We don’t want to put the State Administering Agency in the position of having to decide if somebody said, ‘We want to buy and important piece of emergency apparatus,’ and then all of a sudden they say, ‘no, we’ve decided that we want to buy a car.’ We think that’s a little broad. We’re recommending that the Commission make a policy that change orders can only be granted if they meet with the intent of the original application submitted to the Commission. Now, we had lengthy discussion on this and I want to clarify. We’re not trying to remove flexibility. If a law enforcement agency, for example, puts in some specific radio

equipment that is a part of a radio system, and they have another need in another radio system that is still in the same system, Communications. It is still in the same area. We are not trying to say they can't do that. We are not telling the State 'don't let them have that type of flexibility within the same intent that they had in the original grant application. We are simply trying to say, 'make sure that you are sticking within the same function. Don't go outside the same function.' We think that is an important clarification. I will say that there have been some instances where, in the absence of clear policy, people may have believed that they had the flexibility to do other things; they did, because there wasn't a policy. Are there any questions on that particular recommendation?

"Number four [recommendation]. This is why I have waited. The finance committee recommends that the Commission reallocate the unexpended '03 Phase I and II, as well as '04 unexpended funds to a special fund for the purpose of contracting for a statewide threat assessment. Fiscal '06 Funding should then be based on the results of that assessment. Now I want to make something clear. In making this policy recommendation we are not saying that the local authorities lose their independence with regard to the funding. We cannot implement this policy without the explicit cooperation and agreement of local entities. They would have to agree and say, 'Hey, you are right.' I think Churchill County is one that had leftover money. We would have to get either a memorandum of understanding or some other documentation saying they agree to use the money for that purpose. We are not usurping that local government money. We cannot do that under the law and that is not the intent of this. Now, obviously, this doesn't do anything if the Commission doesn't feel that a statewide threat assessment is necessary. The other reason why we were talking about unallocated funds is we didn't want to have to wait for the end of another funding cycle to try to come up with some money to do this. We believe that if it is the desire of the Commission to have such an assessment we need to get moving on it now so it would be done and completed before we send out the '06 funding. The funding could then be tied to, and connected to, the results of the threat assessment. I forgot to say this: members of the Finance Committee, if I'm not on target with what I am saying, if you have another different recollection, please feel free to say something. I apologize for not saying that in advance. We had a lot of discussion, like I said, 39 pages – a lot of discussion. I simply tried to extract what I believe the motion shows the action we took. If I misstate something, please, Chuc in Carson City, please feel free to elaborate.

[male voice] "You are doing pretty good from my recollection, Bob.

Glade Myler, "Mr. Chairman, if I could? When he says unallocated, I think he means unexpended, and it may not be expended at all. Funds are already allocated to that entity, but I think it means unexpended.

Mr. Chairman, "Unexpended is what we understand it to be.

Mr. Hadfield, "Now, I am not trying to confuse you, but we have included another recommendation further down. We are also suggesting, because we don't know what this would cost, and I believe the maximum amount of money that might be unexpended might be \$136,000. That is the maximum amount we know about and that can change. We are in that ballpark. We believe that the work will require more money, so in the '05, the very next funding cycle that you are going to be setting the policies, we believe it will be necessary for us to ask the local entities, through memorandum of agreement I guess, to have them participate with the state in funding that based on them paying 20% and the rest of entities paying in proportion to their population. I didn't want to lead you to believe we have enough money. This is going to take a little bit of work and a lot of cooperation statewide. I honestly feel that statewide entities would benefit from it. But if you have any questions on four...

Mr. Chairman, "the Vice Chairman has a question.

Mr. Keller, "I just want to make sure that we as a Commission all recognize that our third element in our Mission is to identify and categorize buildings and facilities, study and assess the security of such buildings, by a report by the Governor that goes to the Legislature. I don't

believe we can abdicate our responsibilities. I notice that later in the agenda we are going to discuss a statewide threat assessment, but I have to speak now to say that I don't believe we have a choice, but to fund or to direct funds through this Commission, to conduct a state threat assessment. It was discussed not at the last meeting, but the meeting before that, and the one before that. We are behind the 8-ball with the threat assessment. And I believe that we have to first fund that threat assessment and then later go to the unexpended funds perhaps to fund some other project that doesn't require unexpended funds. We have to have committed funds to that mission.

Mr. Siracusa, "Thank you, Mr. Vice Chair. I totally agree and as we talked we are going to have quicker access to the '05 dollars for the threat assessment than we will for the unexpended dollars because they floating between the grant performance periods. We know we are going to have some money, so my suggestion is, to Bob and the Finance Committee, that we use the,... that this Commission allocate a portion of the '05 dollars to be used to start this process.

Mr. Lowden, "Couple of comments to that last discussion. It is so rare that I find myself in concurrence with Jerry, but thanks Jerry. You got my support in getting this thing funded. We have been talking about that since day one. Absolutely we need to take care of it. The comment I would make to Frank is you'll find my strong support for funding from the 2005 funding if that is the quickest way to get this committed and get this done. The other side of that is those other funds from 2002 and 2003 should be able to come back in and be redistributed to other agencies that need the funds. I don't think it is just coming out of 2005; we also need to look at getting some money back that has not been expended by locals.

Mr. Hadfield, "Thank you, Chuc. To elaborate a little further; to do such a study we're educating that the Commission may wish to name a few people to assist in identifying the [preachers?] so that an RP can be put together to be approved by the full Commission, reviewed by the Attorney General's Office and approved by the full Commission. We didn't have a specific recommendation as to – how to go to that next step. We were simply dealing with funding.

Mr. Chairman, "My intention is today is that we will leave here today with that process identified, voted on, and we'll go forward with exactly how we are going to do it. We've been talking about this and it is time to stop talking and get it done. With regard to the unspent allocated funds, it's extremely important that that be addressed. This is money that other entities within the state could certainly use for priorities that they have identified. The Finance Committee in this was attempting to do that. We don't need money sitting out there, one; and two, people go through a grant application process and they are expected to follow up on what they wanted. If they put down that they wanted this and they didn't get it and they didn't use it and it's not, then it needs to go back to those entities who have needs for it and are willing to go forward.

Mr. Hadfield, "Thank you, Mr. Chairman. Number five, addressing an issue that Commissioner Welch brought up. There are other funds that are out there that are directed at Homeland Security and it was the Finance Committee's recommendation, we only identified one source which we believe to be the largest source, but we were talking in general we would have obviously like to have had something that includes everything. The State Health Department receives funding from the Center for Disease Control (CDC); Frank alluded to that earlier. We were suggesting that this Commission have a role in determining how that might be spent in relationship to the other funds. We didn't say we wanted to take over the Administration of the funds. We thought it was appropriate that funds spent for the health and safety of residents and visitors to Nevada that we did need that type of coordination that you spoke to earlier.

Mr. Hadfield, "Now getting to number six, the big one. In the matter of the upcoming funding cycle. We recommended, after considerable discussion, that we do the same funding that we did during the current funding cycle. It is a combination of things. It provides a base allocation of \$25,000 [per jurisdiction] and it provides population distribution beyond that. We

would continue to fund the Citizen Corps and the other programs the same as this year. I believe the reason why we felt that way is we are still in the process of trying to make sure we have a clear understanding and get the issues addressed regarding reporting and accountability. Another thing that we talked to is, we have some situations where people have perhaps lost their reports and can't find them to send them in, I am being kind. By law we cannot withhold funding on somebody just on the sole purpose that they didn't submit a report. I think I am accurately stating the point.

Mr. Myler, "Mr. Chairman, the principle of law that is at work here is that the law abhors a forfeiture. That is a general maxim. If someone is doing everything they possibly can to get those funds and by some quirk, and we have a set in stone law that prevents them from being able to get those funds the court is not going to look favorably at that law. That is the principle of law at work. The law abhors forfeitures and judges don't like to do that, so there should be a little bit of leniency on whatever policy is presented.

Chairman Carrison, "I understand that principle of law and have no conflict with it however I don believe it's possible to establish guidelines that have to be followed. Giving a time period, or setting guidelines, if you lost your paperwork, OK, you have six weeks to replace that paperwork. But at some point if you haven't turned in that paperwork, the requirements of the grant application, and that would be set forth in the Grant Application Procedures, if you have not ... it's like the "dog ate my homework" at some point that stops. At that point, you either, one, when you return to this commission for further allocation of funds are looked on unfavorably, or two, you give the money back. And I think if we go through a process, it is my understanding that we can establish a process without being arbitrary, making it part of the grant application process so that everyone knows what the rules of the game are and then you must follow those rules. We are giving you a stepwise procedure to correct either your mistakes, your inaction or something truly getting lost or through a computer glitch. It is my understanding that if we have a process that they go through and then they refuse to complete that process, then we can do what would be recognized as sanctions or simply not going forward.

Mr. Myler, "Mr. Chairman, you are correct. If you policy is not arbitrary and capricious and there is some way they can correct their errors you'll be fine in a court of law. But the general principle is that the law abhors forfeiture.

Mr. Hadfield, "To ensure that we are recommending that Commission give consideration to compliance with existing grant guidelines and reporting requirements prior to granting new funding. Should you have that policy, we would ask the Administrator, that with that grant application process upcoming, to put in a report format with that application process so that it cannot be misunderstood by anybody that we are wanting a report to be made, and you got a copy of it, and make it very clear that that would be one of the considerations in the allocation of funds.

Mr. Washington, "I would like to know, under number six, you mentioned that the '05 funding would use the same guidelines as '04. Does that allow for some direct funding to municipalities without going through the County Government first?

Mr. Siracusa, "I believe the ... what we are talking about here, there are two different things here. One is we're talking about '04 & '05 the guidelines coming down from the federal government are pretty consistent. As far as funding to local governments, that process will stay the same. The agreements have already been put in place, and that particularly here in Clark County where on the Homeland Security Grant Programs we're proving funding directly to the political subdivisions. That was done and agreed upon in Federal Fiscal Year '04 and I don't see any reason why that would not be the same for FFY '05.

Mr. Washington, "the reason why I asked that question Mr. Chair, is that Mr. Siracusa mentioned that we got 90 to 120 days turn-around on these funds and when you start talking about the bureaucracy that we have to go through just to get things funded to buy .. purchase goods and services, it's a tight time frame. We certainly always want to be able to ensure we

don't violate anything to receive the grant. That is why on some issues, if at all possible, we prefer to get it direct.

Mr. Hadfield, "If I might, Mr. Chairman? Inherent in this recommendation is the support for the LEPCs and the cooperation and collaborative approach we hope would continue to exist within larger political subdivisions. We just didn't want to create a whole new set of rules for everybody on such a short timeframe. The purpose of the reports that you are going to be receiving is to give a more concise, with corrections/additions that Vice Chairman Keller added, we'll have a clearer understanding of where there may be some difficulties also when we see the funds are not always being expended. By putting in the requirement of specific, if you adopt the policy, to allocate those funds in a specific period of time, to make it very clear. We hope that some of the difficulties and problems we have seen will go away, or at least we'll have a clearer understanding of how the money flows through and why those things exist. The purpose of sticking with the current distribution was, frankly, to minimize the amount of extra work that has to be done because we are adding some additional work if you adopt these policies. We would anticipate that the '06 funding would be based on a different set of criteria and the Commission at that time can identify how they wish to allocate funds at that time. Are there any other questions on item 6?

"Item 7. Since at the time we had our Finance Committee meeting, we didn't know what the federal government was going to do, and I know they have approved funding now and everything; but we wanted to make sure that if we had some change coming out that really affected the funding for Nevada, say the cut it by 2/3rds, that recommended that we have a special meeting of the Finance Committee to take a look at that and see 'what does that do?' does that cause us to need to go to the Commission and say 'Hey, what we asked for and this amount of money isn't going to work.' The information we are getting is such that we think that condition may not exist. Here is what we wanted to recognize is that while we are here saying we want to do this, if there were some drastic change in federal policy that what we are asking you to adopt may be subject to more discussion at a later date. I appreciate the opportunity to present these to you and if there is any further clarification as we go through them I would invite the Finance Committee members to assist so that people feel comfortable adopting the policies we are recommending.

Mr. Young, "Going back to one of the other questions, Mr. Washington raised about direct funding; I'm a little confused where we are going here. We set the LEPC process in place and we were all on the same page and everybody was putting in for. I want to make sure that's still the direction we, as a Homeland Security Commission, are going. We start having cities and municipalities going right to the state and bypassing the LEPC and the State Homeland Security Commission, because we have recognized that process the last few years. I fear that we are going to have duplication and a lot of confusion and a lot of hard feelings at the end of the process.

Mr. Siracusa, "Sheriff, can I.... I would like to answer that question for you. I totally, totally agree. The process that has been established, the process that is going to stay in place is that the LEPCs in each of the counties will be the single point of contact. What we are talking about here in Clark County is on the "back end." The local governments here are going to submit their applications through the LEPC. The LEPC will put together one application. That application is going to come in front of this body and that application is going to be approved. What we are talking about is when we receive the quarterly report, and we'll use Clark County, from Clark County we will then extract payment to Las Vegas, payment to Henderson, so we will send checks directly to the cities. It will be direct payment, versus sending one check to the county and then the county having to distribute that out. We are streamlining it on "the backend," but by no means are we changing on the "front end" and bypassing the LEPC process.

Mr. Hadfield, "I want to make that clear. The Finance Committee is very clear about that. We do not want to be in the position of trying to identify on a county-by-county basis what the best things are and what their application should be. We feel those regional cooperative efforts;

the LEPCs are the ones who can determine what they need the most, because they will have to prioritize these. I think the committee was unanimous in this, saying we don't want to change that; we don't want to get into that. I think that is very clear and I appreciate the Sheriff bringing that up for clarification.

Mr. Fisher, "Mr. Chairman, I think that Bob and the Finance Committee should be applauded for the effort that has gone in, the tremendous effort, that has gone in. Bob, I think the thing that is really very important is that your committee has stressed accountability and reporting. I realize that it was a minority, a very few people on the original Homeland Security Commission, for those of us who were either puzzled or didn't understand why some of the funding went to where it did go, this is good because now we have the accountability and a better understanding. We can do a better job for '05.

Mr. Keller, "We followed a revenue sharing program with the 2004 funds. We did \$25,000 to every county and then a population base. I was one of the ones who supported that to ensure that every entity in the State of Nevada, every county go some money to get the basic equipment for first responders, so every first responder in the State of Nevada had basic equipment, basic skills, so they knew when they went into harms way they had the protections we could afford. We once again, because of untimeliness, are in the position of revenue sharing by following the same funding pattern in 2005 funding. I believe our time is so short we have no other choice, but this we must remind ourselves is simply asking, 'how much money we have, what do we want to spend it on,' rather than saying, 'what are our needs, how do we fund it?' We've got to reverse this process. Not only through the threat assessment, but the overall application of those federal funds that is coming back to the state to target then on the threats to reduce the risks to eliminate the vulnerabilities to the citizens of Nevada. I believe that we have to be cognizant of that as a Commission and as we administer this process. We have to reiterate that to every person who makes the decisions in the LEPCs that this cannot just continue to be a percentage based revenue fund. We had some discussions in one of our first meetings, people wanted to target this to programs where risks existed with out the risk analysis. And at that rate there wouldn't have been a lot of money for the people in the state. We change that the purpose was that every first responder was covered. Now we've got to make sure that we are focusing on the safety of our citizens in the distribution, regional allocation of these funds to the LEPCs with the distributions directed to the primary entities. We've got to make that switch somewhere.

Mr. Hadfield, "I would have to say that the Finance Committee unanimously supports that and we want to spend this coming year making sure that we can identify policies and other things that will lead us so that when we get to the next funding cycle we'll be ready to implement something instead of saying, 'Hey, we haven't got any time.'

Chairman Carrison, "That will be an absolute priority of this Commission and that will occur. It will be brought up exactly as the Vice Chairman has stated. I find it hard to understand how you can throw money at something and have no accountability whatsoever. That accountability must come. We've got to allocate the limited resources where it will do the most good for the most people. That is a priority and we will establish that. I will not be sitting here if we come up and vote for the same distribution again.

Mr. Spinello, "Thank you, Mr. Chairman. Two items. Going back to number four for a minute. I just want to understand. Glade you've indicated that we would have to have a memorandum of understanding for the use of funds that were not expended, that were not actually used by an entity that applied and received them, and they have some remaining balance that we can't just capture that?

Mr. Myler, "When he says an MOU, I don't necessarily think it is an agreement. There just must be correspondence from the LEPC or whatever entity it is, saying that they are willing to [fades off]. This is a federal process and it begets the contract issue that grantees and sub-grantees, so on and so forth, and if they want to waive something, they want to give it back, that can be done with just a letter. I don't think a formal agreement is necessary.

Mr. Spinello, "We recognize it could be potential consequences if somebody didn't. What would happen if an entity refused? Or, as you say, put it in the bottom of somebody's In-basket and they never got to it.

Mr. Myler, "Well, obviously they've got to have some accountability, and the audit is going to bring that out. Money will..... You will eventually decide where it is going to be put.

Chairman Carrison, "I think for the Commission, I don't think that's – I'm not going to say that's not our problem, it is our problem – I think as a Commission we make our recommendations about what we believe should happen. If we can't enforce it or something happens the Commission has made it recommendation, we've done what we felt was appropriate. The piece we have left out here is the Administrator, General Vanderhoof. He'll have some administrative responsibility here in regard to this. Now, I don't want to get bogged down in the process so we are involved. I think it is our purpose to set policy and recommendations with regard to how the funds process works and then it is up to other people to implement that process. We can certainly be kept advised of that. Again, as you pointed out Jim, I don't want to establish a policy that is impossible. If we establish a realistic policy, we give directions to Mr. Siracusa to develop those guidelines, which he develops in consultation with council and those guidelines are there if an entity chooses not to follow those, then we've done our jobs as Commissioners. It is up to them to enforce that per their established rules.

Mr. Siracusa, "Mr. Chairman, if I could just take a minute to add to that? What we are talking about is in a broader sense... If by chance, this year, or next year, if this Commission takes a look at the entire State of Nevada and taking a look at the threat assessments and all the needs assessments, and makes some recommendations as to looking at some Statewide conditions. They would take a look at taking dollars; say '06 dollars, a portion of those '06 dollars, to develop a statewide initiative such as maybe the interoperability of communications. The way the federal guidelines read is that a minimum of 80% of the dollars must go to local government and 20 % may stay with state government. The Governor as the person really responsible for the dollars, or the Commission, or ourselves, ... the only way that we can utilize the local governments portion of those dollars, say for a statewide initiative, would be to have the concurrence of the local government. They must agree upon utilizing their portion of the dollars for a statewide initiative. That is one of the issues that we were talking about.

Mr. Spinello, "One more. And this is just a comment on the subject of the allocation. I stated this during the sub-committee meeting. Even at the risk of maybe appearing harsh towards the smaller communities around the state. The \$25,000 guaranteed doesn't seem like a lot until you multiply it by 17 [number of counties in the state] and then you've got some real money potentially for studies or other kinds of things. I just think that it is in a sense throwing money at something. A small amount, again, on each case, but added up something that I think at some point we do need to consider... I would hope sooner, rather than later.

Chairman Carrison, "Bill did you have something?

Mr. Welch, "I would like to go back to the Vice Chairman's comments and say that I concur with his comments, but I would also like to add that it seems imperative to me, and if I am ignorant to the fact that this is already done then I apologize to the Commission, but this is my first meeting. It seems to me, not only should we have an assessment, which is unbelievable to me that we don't have it already, but secondly it seems to me that that should be tied to a strategic plan, as to how we are going to respond. So we don't go year from year based upon federal guidelines. I do understand we have federal guidelines that we must meet, but it would seem to me that we need to take this criteria to a strategic plan over a period of time and make sure that those are coordinated. Secondly, it would seem to me, and I say this again based on my past experience in working with the LEPCs and part of the role that the hospital community has had working as a sub-contractor with the state, even on a regional LEPCs we need to have a statewide coordination. One of the responsibilities that we had was to help institute a tracking system and communications that was statewide. The LEPCs had been working on that and they did a very

fine job with respect to their local communities, but when it came to integrating on a statewide basis there wasn't compatibility. We had to go through a fairly extensive process to back track and then go forward again, so that we had a coordinated effort. So I would agree with Frank's comments, but I would hope that there is, whether its this Commission or through Frank's Office, a coordination on a statewide basis, but ultimately to a strategic plan that is either a three-year or five-year, you can't go too far out, but it can't just be going this way. [motions level with hand]

Mr. Siracusa, "If I could just answer at least a couple of your questions, Mr. Welch. We do have a state strategic plan. It was adopted and approved by this Commission. It looks out over the next three years, where we are right now and where the State of Nevada needs to be. That is an ongoing living document that we are updating every year and that again will come before this body at the next meeting. Also, while we don't have a threat assessment that we desperately need a comprehensive threat assessment, the State of Nevada does have a comprehensive Needs Assessment. A Needs Assessment was done as a requirement of ODP I believe back in FFY '02 which at that time took a look at the needs of the state by jurisdiction. Then again, a Needs Assessment was updated as of FFY '04 and it said, 'OK, here is where we were in '02, now based on the dollars that came into the state between '02 & '03 & '04, where are we at right now. Those Needs Assessments were compiled at the county and local government level. They were coordinated through our office as the SAA and then submitted to ODP and have been approved. In order for us to even think about receiving the '05 dollars we had to have an approved Needs Assessment and again the strategic plan. By no means does the Needs Assessment in any way shape or form, substitute a threat assessment.

Mr. Welch, "Interpreting you to say that, and I appreciate your response, as grant applications come in then these are reviewed in coordination with the Needs Assessment, so that we are sure that the two are coordinated?

Mr. Siracusa, "Absolutely. In the '04 guidelines, or coming for the '04 criteria every application – when the LEPC submits an application, every single item on that application must have been identified on the Needs Assessment. If it's not identified as a need on the Needs Assessment then ODP assumes that it really isn't a need. So it has to be identified there and we are encouraging working with the LEPCs to make sure that the LEPCs do that crosswalk. Then when we receive the applications, prior to the applications coming back to this committee for final approval, we in our office review the application, going line item by line item, to make sure they fall in line with the Needs Assessment. Then with ODP we have to submit a bi-annual report to ODP that takes in all requests from the state, and ODP looks at that to ensure that in fact that the State of Nevada is following the guidelines.

Mr. Young, "Frank, I have a request. If you wouldn't mind, would you forward to all the Commission members the most recent Needs Assessment and the Strategic Plan? We have several new members and I think it is very important that they have those documents before they prepare for these meetings.

Mr. Siracusa, "Absolutely, I will ensure that the Needs Assessment, the approved Needs Assessments and the State Strategic Plan are sent out to everybody, Monday.

Chairman Carrison, "Thanks, Frank. I would like to go back and we need to move forward. We need to make one comment with regard to the timeline. There may be some question in some Commissioners' minds with regard to timelines. I was on a conference call with Washington DHS [federal Department of Homeland Security] and the question was asked by at least one state about changing the timelines. They advised that the timeline was simply not going to change; the timeline is going to remain the same. I think Chief Washington's comments were very appropriate with regard to the bureaucracy in doing this. So I am glad we are attempting to streamline that process, it is incredibly important.

"I would like to return to the recommendations made by the Finance Committee. I would like to put those in the form of motions, if you would, Chairman of the Finance Committee, Bob?

Mr. Hadfield, "Thank you, Mr. Chairman. In as much as the first item is simply a, we have not control over that, I would move that we approve the recommendations of the Finance committee to the full commission Items 2 through 7 on the report of the Committee dated October 26, 2004.

Chairman Carrison, "Do I have a second?

Mr. Spinello, "I second.

Chairman Carrison, "...any discussion?

Mr. Keller, "Did we just move to adopt all of these?

Chairman Carrison, "Just two through six.

Mr. Keller, "I have some discussion on four and five.

Chairman Carrison, "Let's take it out, Bob. Let's address two first. Is that OK with you, Mr. Spinello, to withdraw the second?

[inaudible]

Chairman Carrison, "Two?

Mr. Hadfield, "I would move that you approve recommendation number two on the Oct 26, 2004 [Finance Committee Report].

Chairman Carrison, "Do I have a second?

Mr. Spinello, "Second.

Chairman Carrison, "Mr. Spinello, seconded. Any discussion on motion two? [silence] Hearing no discussion I will call for the vote. All those in favor of approving 'two' signal by saying 'Aye.' [many voices say 'Aye']. Motion is approved.

Mr. Hadfield, "I would move that we approve the third recommendation, Item number three of the Oct 26th report to the Commission.

Ms McDonald, "Second.

Chairman Carrison, "Seconded by Ms McDonald. Any discussion? [silence] hearing no discussion on Item three ... Glade, do you have something?

Mr. Myler, "Make sure you ask if there are any opposed.

Chairman Carrison, "I felt that was unanimous when I called that and I should have asked that. Chief Mayberry, any question? No. All those in favor signify by saying 'Aye.' [many voices say 'Aye'] Opposed? [silence] Hearing no opposition, the motion is unanimously adopted. Mr. Hadfield?

Mr. Hadfield, "I would, so there can be discussion, I would move for approval of recommendation number 4 from the Finance Committee's Oct 26th memorandum to the Commission.

Mr. Spinello, "Second.

Chairman Carrison, "Seconded by Mr. Spinello. Any discussion? Mr. Vice Chairman.

Mr. Keller, " Yes, in this motion, it specifically says that those unexpended but allocated funds would be redirected to a special fund for contracting a statewide threat assessment. I believe the statewide threat assessment is more important than waiting for available funds. It can be done more effectively. I would like to suggest that that special fund be returned to the Commission for redirection or reallocation to other priorities within the state or the local entities as the case might be, but not the specific statewide threat assessment. Hopefully, we would have that threat assessment completed and funded prior to the return of those unexpended funds.

Chairman Carrison, "Mr. Hadfield, would you accept this as an amendment to your motion?

Mr. Hadfield, "I would, and I assume that the amendment includes the second paragraph where we are saying that 2005 monies, and create a mechanism for the RP.

Chairman Carrison, "Yes, and '04 would be unexpended, because the funds were allocated, so it is unexpended as I understand it. Do I have a second to the amendment to the motion? Mr. Spinello? [seconded] Is there any further discussion to the amended motion?

[silence] Hearing no further I call the question. All those in favor signify by saying 'Aye.' {many voices saying 'aye'} Opposed? [silence] Motion unanimously passed. Mr. Hadfield?

Mr. Hadfield, "I would move that the committee adopt recommendation number five from the Finance Committee's Oct 26th report.

Chairman Carrison, "Do I have a second?

Ms McDonald, "Second.

Chairman Carrison, "Ms McDonald seconded. Any discussion?

Mr. Keller, "Yes. My issue here is that we need an umbrella group to gather in all of the Homeland Security Monies that come into the state, no matter the source. Whether they are through the state homeland security, through ODP, through the Center for Disease Control, I would recommend that we go to the Administrator of the Homeland Security, General Vanderhoof, and ask that he and his team, in conjunction with the team out of your office, with your massive staff, Dr. Carrison, seek out those funding sources and bring them together. I don't know if that has to be part of the motion, but I know that's got to get done and I don't know exactly where to place it, to get that accomplished. I believe we could make that. We could have a central coordination and gathering of that and recommend that General Vanderhoof's office complete that.

Chairman Carrison, "That would be all the DHS funds that come into Nevada even if they go through a different agency. All those DHS funds need to be identified so this Commission can be aware of where those funds are being expended. Ms McDonald?

Ms McDonald, "Yes, thank you Mr. Chairman. I definitely concur, and in fact, that will be a suggestion as part of the presentation for the proposed legislation.

Chairman Carrison, "General Vanderhoof, and do you have any comment with regard to that?

General Vanderhoof, "I am agreeable with working with you on trying to solve that problem.

Chairman Carrison, "Thank you. Mr. Welch?

Mr. Welch, "Thank you, Mr. Chairman. Conceptually, I agree with this clarification – with a need of some clarification. I would hate to see another bureaucracy process have to be implemented before programs can move forward. As I discussed this issue earlier today, my suggestion was more focused on oversight, not from an authority standpoint, but that all of these other entities would come here with a presentation of what their funds are. They have very specific grant guidelines that they are required to meet. They also have timing issues that they are responsible to. So, my objective would be that we know what all those objectives are, we know what they are being utilized [for], so that those funds which this Commission has authority over are not being spent in a duplicative manner, or in a cross-purpose to what those objectives are.

Chairman Carrison, "Thank you. That is the exact purpose of this motion. Any further discussion on the motion? [silence] Hearing none, call the question. All in favor signify by saying 'Aye.' [many voices heard] Any opposed? [silence] Motion unanimously is approved. Mr. Hadfield.

Mr. Hadfield, "Yes, Mr. Chairman. In the matter of item number 6, prior to making the motion, since we identified we want to use '05 money to do the study, we are going to have to come up with an amount of money. We should try to come up with some amount of money in the motion, so .. I would move that we would approve recommendation number 6, and, I'm sorry I don't know how much....

Chairman Carrison, "I have a problem with that. As a Commission member, I don't know how the other commission members feel, I don't have... I can't conceptualize this on how much money would be speaking of. I think we need to develop that, we need to get this done and go forward and we need to see who could do this. We have to identify someone that has the ability to do this. You know there is a thousand little cottage industries that have sprung up and everybody is an expert in terrorism and can do threat assessments. Everybody is out there lobbying to do the

job of a threat assessment. If we have something that is homegrown, if we have expertise in this state that is not available someplace else, I would prefer to keep the funds in this state. Again, I have no idea how much, and I don't think we can set a dollar amount on that, but I do think we have to have... I hate committees that go on as committees, but I think we have to have, we have to get together define exactly what we want, design an RFP with the experts and get it out there so we can go forward on this.

Mr. Siracusa, "Dr Carrison. If I can just elaborate, and I agree with you. The problem that I have, or that we have, is that once we send out the applications to the sub-grantees, we have to identify the availability of funds to the sub-grantees based on what was just approved for this fiscal year we are going to use the funding formula. In order for me to have my office calculate those dollars we're going to have to in some way, shape or form, identify some dollar amount that we can at least put out there, so when we do our calculations, we take that dollar amount and move it away from the calculations that we do.

Chairman Carrison, "I understand that. What is your time line? If we did this, if we had this information to you a week from now...?"

Mr. Siracusa, "That's fine. As I said earlier, as we were talking about at least 40 days before we submit an application by the time we get notice of availability. Yes, if we could do something within the next two to three weeks, we'll be well within our timelines.

Chairman Carrison, "Mr. Vice Chair.

Mr. Keller, "We have an entity at the University of Las Vegas run by COL Lee VanArsdale dealing with Homeland Security and training issues and awareness and has a staff through the University. What I wouldn't want to do is ask them to give us an idea and then have them in competition if there were a bid process for this threat assessment procedure. But certainly, I believe that if we can reach out to COL VanArsdale and ask him or simply as them to do this threat assessment and give us a cost. I believe we keep it in-house, keep it separate out of private contract, we let the University administer it, we get a product from them that is statewide based. It is based on the university's research capabilities. Maybe they could work in conjunction with General Vanderhoof, and get a scope of the project, then a proposed cost for the project. And then if we can reach out to them to bring it back to us and put this in the hand of Finance Subcommittee, so we don't all have to come back together as a total commission, to make this award as an agent of this Commission. We can fast track this and get it into the '05 budget cycle. If we don't, we're two years behind proper expenditure of Homeland Security funds coming to the State of Nevada. I see General Vanderhoof approaching.

Chairman Carrison, "I have two other folks who have questions up here. Glade do you have a legal question?

Mr. Myler, "Yes, Mr. Chairman. I believe you would have to go through a BDR process that can be expedited. Getting an idea from General VanArsdale is probably a good idea and find out what it would be and then go through the BDR process.

Chairman Carrison, "Ms Peckman, then Senator Nolan. Do you want to hear what the General has to say?

Ms Peckman, "In addition, Bechtel, who manages the Nevada test site, James Sutterwith, who is the program manager for the Preventing Terrorism Division of that agency, has also offered to do those types of things for us as well. So there is someone who, while homegrown as you say, are working for the Federal Government, are appointed by the Federal Government and would be more than capable of offering that type of expertise. Short term, long term as well if we need it.

Chairman Carrison, "Senator Nolan.

Senator Nolan, "Thank you, just to add to the list of resources we have, I have been given the information from the Legislative Council Bureau that since this committee is a legislatively established committee that they too are available to help. On research issues, they have an

extensive research division that can tap into the other states and see who has used what service or system to do the exact same thing.

Mr. Myler, "One more comment, just for the record. I meant the RFP process, not the BDR process.

Chairman Carrison, "General Vanderhoof?

General Vanderhoof, "You know there are several things I think that are going on in this area right now. I saw the tasking that was in the law for the Commission on the Critical Infrastructure and Key Assets and how you need to identify everything and then do a vulnerability assessment and all those kinds of things. I believe when we go before the Legislature, both myself and the Commission, those are things they are going to want responses to, as to how did we fulfill that tasking that was specifically given to the Commission. When I saw that we were able to get out of National Guard resources, that I ended taking out of hide, a couple of people get trained, and they are right now doing some work to identify the Critical Infrastructure and Key Assets with a follow-on to do some vulnerability assessments, which gets a little awkward when you are dealing with private companies and casinos and things like that. I think that Metro has done quite a bit in this area. So I am suggesting that maybe we do, what somebody up there just mentioned. I think we attack this very thing from several angles. I think maybe we need to have a few people from the Commission and myself and Frank Siracusa, get together and talk about it. To see where we are so that we are not shot-gunning this thing too much. That maybe the things that some of us are already doing we can bring together and see what do we really need and then go out for it a request for bid on.

Mr. Young, "Mr Chairman. I agree with General Vanderhoof. We have done quite a bit individually as entities. You know when we got together in the Finance Committee our problem has been the statewide coordination of this and determining where our threat levels are in various counties and cities. I think the general is on the right track. We, Metro, along with the city and county in southern Nevada, the FBI has done some stuff. We've done quite a bit of this and I think we just need to overlay that. But it is the statewide picture that's unclear from this body. Our role is to advise the Governor and the state on a statewide basis. It sure would clear up the picture for us when we are allocating these monies where we are at in the state. I think that is where we need to head.

General Vanderhoof, "and I agree. We need a state plan to go into the Department of Homeland Security, also. The state plan is not one that would identify specific vulnerabilities because then we get into confidential area that we are talking about. So the state plan would be more of an overview. Until we know that for sure where we are all at on this thing and to bring it together, I'm not sure what we would ask for putting it out for bid from somebody. I think we can do this in very short order. I think if we just get a few of the right people together, next week, we can determine where we are at, what we have achieved and what else we need to do it. I think the smaller counties don't have these kind of things, especially like Metro has. You probably have the best one in the state as far as it goes right now. If we could just get together and identify the different approaches that we have taken we can see where we are short. That will give us a determination on where we want to go. And then I think that will also help us to know how much the cost would be to complete something like this.

Chairman Carrison, "Mr. Hadfield. The suggestion was made, which I agree with. Let's [post this?] and then let's task General Vanderhoof with this. He'll be, quote unquote, Chairman of this since he will be in charge of it. Then we'll get key members together and go forward with the recommendations. My recommendation is that this must be done in a very timely manner, so we can give Mr. Siracusa the information that he needs for the grant cycle process.

Mr. Hadfield, "Thank you, Mr. Chairman. I agree and it seems like the recommendation as it stands the motion would be appropriate to pass it because we'll come up with the details necessary prior to the grant applications.

Chairman Carrison, "With regard to number 7, I am not certain that requires a motion. I think it is Chair's prerogative, if I am not sure, if I can convene if we had significant changes in the Federal Guidelines. Mr. Siracusa would notify us, I would notify members of the Commission and we would call a special meeting of the Finance Committee. Do we need to formalize that? I think that is under the prerogative of this Commission. [pause] Mr. Vice Chair?

Mr. Hadfield, "Did we get a vote on number six?

Chairman Carrison, "No we....was it already made – a motion?

Vice Chairman Keller, "As I re-read six....six has nothing to do with the Threat Assessment. It just says simply "provides continuity of funds.' Our concern was that within that '05 funding process there is not a section carved out for this threat assessment, if necessary. I think we can pass six with the recognition that some of those '05 funds may be committed once General Vanderhoof and his crew

Chairman Carrison, "If you could restate that, Bob, and add that in, that a portion of the '05 funds may be used for a statewide threat assessment with the task force headed by General Vanderhoof.

Mr. Hadfield, "Thank you, Mr. Chairman. I make the recommendation that item number six, amended to include provision to provide funding in the '05 grant cycle to do a statewide threat assessment be adopted, as per the Oct 26, 2004 memo from the Finance Committee to the Commission.

Vice Chairman Keller, "Second.

Chairman Carrison, "Any discussion? Any comment from the North? Chief Greene?

Mr. Greene, "Could I just say 'slash vulnerability assessment' to give us a little more flexibility? It may be one and the same, but I think maybe it might be a little more appropriate.

Chairman Carrison, "The motion was seconded by the Vice Chairman, do you have any objection to that?

Vice Chairman Keller, "No, I have no objection.

Chairman Carrison, "Comment from the north? Chuc...?

Mr. Lowden, "Hey we are there. Good. The addition I would request for the maker of the motion as well as the person who seconded is much in keeping with Vice Chair Keller's first comments. I would recommend that this board also provide authorization for that subcommittee that meets at the direction of General Vanderhoof, to set a figure, so that we don't have to get back together as a Commission or a Finance Committee to approve that authorization.

Vice Chairman Keller, "I have no objection to the inclusion.

Mr. Hadfield, "I have no objection to it.

Mr. Myler, "Chairman, just as a comment. You may need to comply with the open meeting law. It looks like you may have to, particularly if you are going to be making a recommendation as to a certain figure of money. So keep that in mind, General Vanderhoof.

Chairman Carrison, "I think that wouldn't be a problem, we can work with Miss Hadd to get a notice if that is necessary to do that. That wouldn't be a problem we can determine that at a later date.

Vice Chairman Keller, "So long as the contents of the discussion would not load the guns of our enemies. That is going to be a sensitive issue, and I believe that General Vanderhoof is going to have to have the ability to, as they pull that information together, and the discuss what has already been accomplished, we don't expose that information unnecessarily to unauthorized ears.

General Vanderhoof, "And I can tell you that we would have to keep that in mind, because the vulnerability assessment cannot be public. That has to be taken into consideration when we are figuring out how much money we want to put out for something like this.

Chairman Carrison, "Absolutely, we will work with the Attorney General's Office on it. Motion was made, seconded, and amended. Do we have any further discussion? [silence] Hearing

no further discussion, call the question – all in favor signify by saying ‘Aye.’ [many voices saying ‘Aye’] Any opposed? [silence] Hearing no opposition the motion carries.

Mr. Hadfield, “Mr. Chairman that concludes my report.

Chairman Carrison, “We are going to go on to the next section. What we will do now is take a break until five-til eleven. Everyone be back and we will start again at five-til eleven. Thank you.

[break: 10:41:32 – 10:56:49]

Chairman Carrison “called the meeting back to order.

AGENDA ITEM #6: UPDATE ON FEDERAL OFFICE OF DOMESTIC PREPAREDNESS (ODP) PROGRAMS [see Agenda Item #3 above, as it was discussed at that time]

AGENDA ITEM #7: OVERVIEW OF CURRENT TERRORISM THREAT ASSESSMENT FOR NEVADA & INTELLIGENCE UPDATE (Discussion Only) – Ellen Knowlton, Homeland Security Commission, & Daniel DeSimone, Supervisory Special Agent, Nevada Regional Intelligence Center, Las Vegas Division of the Federal Bureau of Investigation.

- update to last threat assessment give last year to the Commission
- offered Unclassified Terrorism Threat Assessments to new Commission members
- will brief on international and domestic terrorism
- offered an Unclassified version of the threat assessment for Las Vegas compiled by the FBI and NorthCom
- provided background about the Las Vegas FBI Intel team, the Nevada Regional Intel Center, which is a collaborative effort between state, local & federal agencies, they collect, analyze, review and then disseminate information, raw intelligence and finished intelligence. Help operational and policy decision makers make decisions.
- There is no credible threat against any entity in our state at this time.
- The greatest threat to the United States is from the Al Qaida network. There are three categories on international terrorism:
 - o International Jihad – Al Qaida and others are most significant threat to US & Nevada.
 - Present in over 60 nations
 - More of a corporate type entity
 - Have followers worldwide
 - Their hallmark is conduct of large scale attacks such as 9-11 & Madrid
 - Growing within the state prison population with recruitments
 - o Formal Terrorist organizations, Irish Republican Army, Hamas, Hisbolla, etc.
 - Have their own funding, training facilities, personnel
 - Rank second to Al Qaida in causing deaths of Americans worldwide
 - o State sponsors – the designated seven nations that sponsor terrorism, Cuba, N. Korea, Syria and others

“What this all means to us?

“Las Vegas made the 9-11 Commission report because 5 of the 19 hijackers were in Las Vegas. A lot of questions still remain today what they did here, and it is still under investigation.

“July 2004 Charlotte, North Carolina Mr. Acktar was arrested with several videos in his possession. Several instances of suspicious videotaping has been observed in Las Vegas. Mr.

Actar's videos have been reviewed by FBI, local law enforcement and casino executives. Mr. Actar was not convicted of terrorism, but rather immigration violations.

"Since April 2002 the FBI has been reviewing the Spanish bombing videos. The Governor asked the Spanish Government if they would allow those tapes to be released to the public. The Spanish government has declined that request. Law enforcement personnel has seen it, and study of it is ongoing.

"Domestic Terrorists are becoming more active of late. It involves both groups and individuals who have committed over 350 attacks within the US in last 24r years. There are three categories of domestic terrorists.

"Special interests groups strive to influence specific issues such as Animal Rights, Pro-Life, etc. Groups are: Animal Liberation Front, Earth Liberation Front, and are active nationally, internationally, and locally. These two groups pose the single most dangerous threats against the United States.

"Right Wing groups adhere to racial supremacy. Aerial Nations, World Church of the Creator, patriot militia groups

"Left Wing groups are more revolutionary in nature. Puerto Rican Independence, Macheteros, Anarchists (mostly west coast), etc. The most recent issue of this type in the news is the Mexican Identification Card called Mexican Matricula. There are not sufficient controls or regulations over the issuance of these cards and they can be obtained right here in Las Vegas. Mr. DeSimone urged Commissioners to consider recommendation to the Legislature when and if this card comes up for legislation in our state.

"Terrorists in northern Nevada: Aerial Nation, World Church of the Creator, The National Alliance, The National Socialist Movement all exist and have a role in Northern Nevada. These groups are active in N. Nevada as late as last month, when the self-proclaimed leader of the Aerial Nation was arrested for sending threatening e-mails to the Reno Gazette Journal [newspaper] and other officials. In Sep 2004 mailings were sent to over 17 Governors nationwide that contained incendiary devices. They were post marked from Ely State Prison. No one was hurt, and the investigation is ongoing. This is a typical domestic terrorist type of event.

"Terrorists in southern Nevada include, The National Alliance, Aerial Nations, Skinheads, Animal Liberation Front, & Earth Liberation Front. Last month a brown powdery substance was sent to a television station that was one of four across the country that was postmarked out of Portland. Sep 2004 skinhead and American front members, in Las Vegas, had warrants issues for their criminal activities.

"The groups that pose the highest threats to domestic security in Nevada are Animal rights and Eco-extremist movements. They start large-scale fires, defacing of car dealerships and certain restaurants. During 2003 local [Las Vegas] animal rights and eco-terrorist groups have participated in protests, which are within their rights. However, these protests often lead to other illegal activities.

"The mono-rail in Las Vegas, while not yet operational, could attract terrorist attention such as the Madrid train bombings. Over 23,000 special events were held last year in Nevada. Large-scale gatherings draw attention of terrorist groups. The FBI in conjunction with state and local partners gather information to try to take preventative measures to deny terrorists opportunities. Last year there was an unprecedented collaboration between state, federal and local law enforcement last December. They are willing to do anything necessary this year to ensure the safety and security of the people that visit us, and our citizens. FBI uses all FBI field offices nationally, and internationally to gather information as it relates to Nevada to prevent terrorist activities. They recognize that over 40-million people come here and they know that their field offices can provide Intel as it relates to the people coming here.

"Other areas of concern include: Churchill county – home to Fallon Naval Air Station; & Yucca Mountain; The FBI works with 36 different law enforcement agencies throughout the State of Nevada and they investigate every single incidence that may be terrorism related or suspicious

in nature. They deal with the Infraguard Chapters, a national partnership between private and public security personnel regarding computer security, critical infrastructure, and things of that nature. We have people specially trained in Weapons of Mass Destruction to look at issues that may be of concern to us. Last year we had radiological concerns at the end of the year. The FBI conducted a special events seminar in Las Vegas last year for state and federal law enforcement officials.

“Mr DeSimone’s daily responsibilities include the supervision of the Nevada Regional Intelligence Center. They employ analysts, agents, other agency people to collect raw intelligence, analyze it, and present it to decisions makers. They take their jobs very seriously. In conjunction with NORAD and NorthCom the document produced is a 120-page report of open source intelligence including information on infrastructure, major industries, transportation infrastructure, light-rail, highways, military facilities, venues and attractions, and is available over the internet. It is a tool to be used as a foundation for threat assessment, planning, and operational considerations, it also makes a great tool for terrorists to know everything about our city. We want this entered on the record to ensure that civilian leadership is aware of the information available to terrorists, and our leadership can use this information in their plans.

“This was a brief overview of intelligence and terrorist information. I will answer any questions you may have.

Chairman Carrison, “Thank you, we will take that into the record.

Mr. Fisher, “I actually have one comment to make and four very, very brief questions. Agent DeSimone, please understand that what I am saying is with the utmost respect. When it comes to being proactive -- several times you mentioned the train bombings in Madrid -- this country has learned absolutely nothing from that, because we are five days away from an election. It is an election that certainly has international consequences. I, myself, took a train Reno to Chicago relatively recently, and I will tell you, and it is no surprise because there is no one sitting here that doesn’t know that, there is absolutely no security what-so-ever on Amtrak. There was no security leaving Reno going to Chicago. That means that as we leave Reno, as we go by pipelines, as we go by power plants, as we go underground in the financial district of Chicago, and the train is not only underground in the City of Chicago, it happens to be across the street from one of the tallest sky scrapers in the country. I personally have a very difficult serving on the Homeland Security Commission realizing that we keep on hearing the Madrid train bombings and I am not what is being done for train security. However, I do have four very specific questions. If you can explain to this Commission the difference between what is a classified document and as opposed to what is an unclassified document. Number two; what is the value of an unclassified document other than public relations. Number three, if there was a significant terrorist threat in this community, and I am not talking about General Vanderhoof, and I am not talking about Mrs. Knowlton, and I’m not talking about Sheriff Young. If there was a significant terrorist threat in this community would we actually be told about it and would we know about it? And my fourth question is; was there ever a final report on what caused the fire last year at the Bellagio? Those are my four questions.

Mr. DeSimone, “OK. I am going to throw in the answer to a fifth question that you posed to me back in April. You specifically had some concerns about the Thomas & Mack Center, and I didn’t forget about that. So I looked into that and I believe your question at the time was, ‘Mr. Gorbachev, who was visiting from Russia, ...

Mr. Fisher, “Yes, I walked in from the back of Cots Pavilion all the way into sitting five rows, 10 rows from the center of the podium with Mr. Gorbochev, and at no point, no time was I ever stopped, asked any questions sitting down. And I shared that with you.

Mr. DeSimone, “Yes, sir, and I didn’t forget that and I wanted to address when I returned. We checked into that and the security procedures employed at the venue specifically for Mr. Gorbachev, who also did some visiting down at Lake Las Vegas, was specifically tailored at his requests and his requirements. He did not want, as we were told when we inquired, to have the

type of security rules and regulations that you may see for a presidential candidate or when The President visits our city. The openness is part of what he wanted at the time and the security professionals charged with the rules and responsibilities to provide that protection basically tailored that to his wishes and his liking. That's why there were not certain things in place to prevent people from getting close in certain areas. We obviously recognize that that can have some ramifications, but you had an inquiry, we wanted to look into it, and I wanted to give you the answer why that was as it was, as you saw it that day.

Mr. Fisher, "It's interesting that we respected what he wanted, but if Mr. Gorbachev had had a problem in this community it would have had a tremendous impact on this community.

Mr. DeSimone, "Yes, it would. Moving on to your questions. The difference between a classified and an unclassified version [of a document]. Obviously, I take my job very seriously and my staff, the analysts and people who put together an unclassified threat assessment. It contains no methods, no tactics. It contains no sources. It contains no current FBI investigations. And I consider what we do very important and I consider it more than, I am not exactly sure the exact word you used, a public relations document. It goes beyond that. It basically tells a segment of the population more than 'no comment.' It tells people everything we can tell them, that we feel that we can share with them that doesn't take away what our duties, our roles and our responsibilities was. I recognize that every word I say here today, and every word in this document could be in the press tomorrow, on the TV station, it could be looked at by, not just the citizens who want to be informed, but the people that want to cause us harm. What you see is everything that I can give you, and I take a decision here and I look at what is my risk. Is my risk that tomorrow afternoon this is posted on the Internet and some terrorist on the other side of the world will use it as a tool? I will give you everything I can. I will give the public everything I can, but I am not going to give them the ammunition to hurt us. So there is a classified threat assessment. We look at venues. We look at military installations. We look at our cities. And it contains much more information than we have here, that decisions makers at all levels of the government, whether it be DHS, the FBI, the Central Intelligence Agency, or the President uses to make operations and policy decisions based on the work that we do in the entire intelligence community.

"The significant terrorist threat. If we had a significant terrorist threat would you be told? I think we could look back at Dec 2003 as an example of what our law enforcement community did and the stand that they took. At no time would we, the FBI, -- and if my boss or Sheriff Young wants to jump in here to add anything, it -- would we mislead the public? Would we mislead the 40 million people that come here? When we had information of a concern last year, we shared it with the people. We shared everything that we were able to share and we took every action that we could take. It is not something that we hold behind the scenes and hope to avert. We feel that informing the public, who likening it to the 12th man on a football team has helped us beyond belief. We get calls every single day at our FBI office. And you look at them. Homeland Security gets them as well. Sometimes they don't amount to anything, but the fact that people pick up the phone and call us shows that they care and we care enough to share back everything that we can in turn.

Ms. Knowlton, "Mr. Chairman, if I might add something. Dan, that was a great answer. I get that question a lot. I think my counterparts in law enforcement, and my counterparts that are first responders can tell you that we've made lots of efforts to get people the right clearances so that I do have the ability to instantly share. Many of the agencies here today and also up north are represented on the Joint Terrorism Task Force. So our first responsibility is to ensure the safety of this community. We attempt to declassify the information by removing the sources and methods that could potentially compromise the source of the information. But that is not the point. The point is the information itself, and the necessity for the community to understand what we are facing. As Dan demonstrated last year that is exactly what we did.

Mr. DeSimone: "Sir, I think there is one other question that I haven't answered, and that would be the final report regarding the Bellagio. I, personally, have not seen that final report. I have been told unofficially that there were some electrical issues. From an intelligence perspective I explored that deeper with Eaton Industries, who was the provider of the conduit and electrical items under there. They had some preliminary assessments. I have not seen an official engineering report. I have no intelligence or information or facts to show that there was any type of criminal acts or any type of terrorism involved in that.

Chairman Carrison, "Are there any further questions for Agent DeSimone?

Senator Nolan, "Thank you, Mr. Chair. Agent, I was curious, are you aware of any type of collaborative effort by any agency at the federal level to develop some type of reaction or response plan for public schools? The reason I ask this question is I have been approached by some private vendors who have apparently had some involvement in the investigation or assessment of the Columbine event, and subsequent school events. They have approached me with what they had been promoting to schools and asked us to consider it within our own state school system. That was presented to me just before the news broke on the attack on the school in Moscow, so it really hit home, with these types of targets and their vulnerabilities. I am really interested in finding out if there is information available like that that we could ultimately pass on to our school system.

Mr. DeSimone, "I am not aware of an actual collaborative effort on the part of the federal government. Yesterday, I had a briefing in regards to several things. One was the insiders of the situation in Moscow. How they did it, what efforts they used, how the school was vulnerable, the ideology of the folks involved, and so on. We tried to look at that and overlay that with anything we have pending nationally or locally. I am aware of several vendors that offer all types of solutions and products. Several months ago, for example, I was attending the Senior Chiefs meeting and one particular vendor talked about being able to map schools and buildings, so when incidents occurred you knew exactly where emergency exits were. Everything from putting video cameras inside the schools, and so on and so forth. Obviously, that is a sensitive issue when we talk about the safety of our children. No, I am not aware of anything of a collaborative effort at the federal government level, but obviously we would be willing to share anything that we have that we've learned and how people plan these types of things with any private industry person whose looking for a solution to safeguard our children and communities.

Chairman Carrison: "Thank you, Agent DeSimone. I don't mean to hurry you off, but we have a lot of business left. We appreciate you presentation. Thank you Ms Knowlton, also. [pause]

AGENDA ITEM #5: BY-LAWS AND LEGISLATIVE COMMITTEE RECOMMENDATIONS FROM AUGUST 23, 2004 MEETING (Discussion/Action) – Ms Kimberly McDonald, Chairman, By-Laws and Legislative Committee

- (a) Reconsider and rescind proxy voting**
- (b) Proposed Bill Draft Request for 2005 Nevada State Legislature to augment & correct AB441**
- (c) Proposed Nevada Commission on Homeland Security By-Laws, Fourth Revision as discussed by the Committee as of**

Chairman Carrison, "To move ahead, Ms McDonald, By-Laws and Legislative Committee recommendations from your August 22nd meeting.

Ms McDonald, "Thank you, Mr. Chairman, for allowing me to present the recommendations on behalf of the By-Laws and Legislative Committee. Before we go any further, I would like to thank the committee members for all their efforts and their work. Those committee members are: Senator Nolan, Assemblyman William Horne, Glade Myler, Bob Hadfield, Scott Wasserman of the Legislative Counsel Bureau, George Togliatti, and former Commissions Richard Brenner and Larma Volk. Before we start with the legislative proposals the

first item on our agenda is for the Commission to reconsider and rescind the proxy voting issue. I believe in May the full Commission voted to have that ability for proxy voting. After extensive discussion with the By-Laws and Legislative Committee in July we decided to ask for this Commission to look at this issue again, because we figure with proxy voting that would definitely dilute the authority of the particular appointee by the Governor. Also, for consistence, and for the historical knowledge of what you are trying achieve, it is our recommendation that we should not be able to have the proxy vote.

Chairman Carrison, "Can I take that as a motion? [silence] Do I hear a second?

[unknown voice seconded motion]

Chairman Carrison, "Motion made and seconded. Do I have any discussion? My discussion as Chairman of this Commission is that it is extremely important that members are all here and do this without proxy. I think that was a reaction to having too many meetings at that time. I will assure you that as the Chairman I will my absolute best to keep the meetings to a minimum of this commission, and that you are fully informed before any meeting. I think this is a good motion and as a Commissioner I think it is our responsibility to be here. Any further discussion? [no responses heard] All in favor signify by saying 'Aye.'" [many voices heard] Opposed? [nothing heard] Hearing no opposition, the motion passes unanimously.

Ms McDonald, "Also, the next item would be the Bill Draft Request for the 2005 Nevada State Legislature and though you may not have a copy of it, this is the template form that we will provide to you. Unfortunately, it wasn't placed in your packet. It is very, very minimal, that is why we decided not to provide it. Basically, the BDR states the intent of both bills would be for various proposed amendments for clarification or enabling language regarding NRS 239C as approved by the Nevada Commission on Homeland Security at the Sep or Oct 2004 meeting. The justification of that, of course, is to ensure efficient operations and authority of the Commission in carrying out its mission to protect residents and visitors from acts of terrorism and related emergencies. Because the deadline for the Bill Draft submittal was September the first, our Committee had to do extensive work and held four meetings. We were very productive and we had to get this in by the timeline. So what we did was to submit this template, Bill Draft Request, and this was facilitated by Glade Myler, and we met the deadline. It was submitted to Scott Wasserman of the Legislative Counsel Bureau. What they are awaiting from us is our specific language, our specific legislative proposals that we will approve as a full commission, and then forward to them, then they can work on crafting the language.

Mr. Keller, "So are you requesting that we approve the language in Bill 441 that we haven't seen?

Ms McDonald, "Actually, what I am requesting is that you approve the concept. If you could look to the other document entitled 'Draft Proposed Legislative Amendments to Chapter 239C,' that is the revised statute for Homeland Security. This particular document, we would like for you to approve the concept of what our proposals are. Then the Legislative Counsel Bureau will actually craft the language. The concepts are the intent that we are trying get at. I would like to go through that in each section.

Mr. Keller, "Do we need to take action on AB 441 recommended proposal?

Ms McDonald, "No. Actually, what we have to do is – since 239 is the actual statute for the Homeland Security Commission, all the proposals will stem from this particular document. Then when we go to the Legislative Session, and it goes through that process, it will be assigned its own specific bill number from then on.

Senator Nolan, "Mr. Chairman, just for clarification, also, all the way up to the time of the hearing on this particular bill we can review and make any amendments we would like to improve the process – amend it to our liking.

Ms McDonald, "Yes, and indeed, further I would like to mention that after we go through all of these items that the Commission grant the By-Laws and Legislative Committee the

authority to make the necessary changes, as directed by the Commission, as we are going through the legislature to expedite the legislation. – The very first item is on page 3. It's NRS...

Chairman Carrison, "Excuse me one minute, Ms McDonald."

Mr. Myler, "Ms McDonald, I think that we should provide a copy to all Commissioners of the BDR action we are proposing. This is the By-Laws, the BDR is something else."

Ms McDonald, "Right, and actually, this presentation today will consist of two components: The actual..."

Mr. Myler, "I'm sorry, [unintelligible]"

Ms McDonald, "No problem, this presentation will include the proposed legislative amendments, that's one document that we have; as well as the By-Laws. Both mirror each other. Both are dynamic, fluid documents that we will change as we are evolving. So the By-Laws also mirror the proposed legislative changes."

Chairman Carrison, "Assemblyman Horne? Do we have these documents, Gwen?"

Ms Hadd, "No."

Chairman Carrison, "Chief Mayberry, do you have it? Who does not have a copy?"

Assemblyman Horne, "Can we see what you are talking about?"

Ms McDonald, "Actually the first document --- Mr. Chairman? The first document is this one [hold up a document] and is entitled, "Draft Proposed Legislative Amendments to Chapter 239C on Homeland Security. That is the first document that we'll take. I believe I have an extra one at my desk as well."

Chairman Carrison, "Senator Nolan is getting some copies made. To avoid further delay, Ms McDonald, if you would just spell this out clearly what we are going over until the members have their copies?"

Ms McDonald, "OK. Basically, what we would like to do, in changing the legislation we need to go to the specific Nevada Revised (NRS) Statute, so that is why we have taken NRS 239C, which is the guiding document for Homeland Security. We looked at each different section, and within that we have different proposals that we would like to make. The proposals that you see are listed in italicized words, however these just encapsulate our concept. This will not be the crafted language that you will see later, which will be produced by the Legislative Counsel Bureau. This is just the intent of what we are trying to change. So I would like to go through that section-by-section."

"Proceeding to Page 3. The first section is NRS 239C.130, under Meetings and Forums. What we have added are items 3 & 4. Number 3 states, that members may not designate a proxy to attend meetings and vote in his or her place. We just previously discussed that and received the Commission's approval that is in agreement with that vote. Item number 4 -- each Commission member must attend at least two (2) of the quarterly meetings. Excuse, me, ... 3 of the quarterly Commission meetings. Then, Sub-A, a member appointed by the Governor or the Commission Chairman may be removed for two unexcused absences. The justification for these additional items is so that we have consistence on the Commission and don't dilute the voting authority of the appointee, and that the members take attending these meetings very seriously. We were appointed for a reason, so that is the justification for that."

Chairman Carrison, "Going through this, is not for a formal motion, but does anyone have any discussion or objection to that language? [none heard] Continue, please."

Ms McDonald, "Then under NRS 239C.140, under meetings, compliance with the Open Meeting Law exceptions in confidentiality. Section II: 'The Commission, and we have added the words, 'and its committees,' may hold a closed meeting to -- sub a: receive security briefings, etc.. We feel that in our deliberations and trying to achieve our goals, committees need to have the same authority to have closed meetings. That is why we added that language."

Chairman Carrison, "Any discussion about that language? [none heard] Thank you, continue."

Ms McDonald, "Moving on to page 4. Under NRS 239C.170, under the appointment of committees, Section I & II. We have added those. The first section: "commission Chairman may appoint non-members who possess expertise regarding a specific industry or specialty to serve as committee members, and at least three (3) Commission members must serve on each committee. Section number two ...

Chairman Carrison, "I had a question with that one. I'm not certain there is a reason, I believe that we should have Commission members on each committee, its' actually by legislation, but do we need three? Because, we are all very valuable. I think if we had

Vice Chairman Keller, "We had a Chairman and a Co-Chairman ...

Chairman Carrison, "Chairman and Co-Chairman have to be, so two? Would that be satisfactory?

Ms McDonald, "Yes, that would be satisfactory.

Mr. Myler, "Chairman, the question is if you are going to be giving voting authority to the non-members. If you do then you will have a quorum. If you only have two members and they are the ones that need to do the voting on the committee you could have a deadlock.

Chairman Carrison, "The other part of that is that I prefer to view it as a task force because as we'll discuss it in committees, I don't want standing committees just to hand out because we need to establish task forces to establish goals, then when those goals are accomplished that task force, or committee, goes away. I'm not really worried about voting on that, if I could just have the committee's recommendations. If it was a deadlock on a significant issue then I think that should be brought before the Commission and voted on, if that would be satisfactory?

Vice Chairman Keller: "Mr. Chairman, I still question the mandate that sub-committees of this commission be forced to adhere to the Open Meeting Laws and post their agendas their meeting times, however I am overruled by legal authority. But these sub-committees, or committees are not designed to make decisions. They are designed to do research and bring forth to the full Commission information, data, and research on which the full Commission can make a decision. It is under that premise that I have spoken before. I still believe that to be the case. To me if we have one Commission member on each committee you know we at least have a link back to the Commission. We then provide Commission input to that Committee's direction without encumbering them with quorums, etc. These are not meetings that require a quorum. They are people like Mr. Savage with the Communications layer across the state we have asked to examine, research and develop, and make recommendations or just provide the data gathered to this Commission so that the Commission can make an informed decision. They are fact-finding committees, they are not decision-making committees, they are not formal processes, and they are a method to bring information to the full Commission. I don't know if we need two members on each committee, or even one. We commit Mr. Savage to put together, or somebody else puts together information on a topic. If General Vanderhoof, if we asked him to do a military assessment of resources in the State of Nevada, he should be able to present to this committee, but he shouldn't have to meet Open Meeting Laws when he meets with his military counterparts across the state that gather that information. So I don't even know if we have to have any one committed to, from the Commission, to be a member of a committee that we form, as you say, not to be a standing committee, but to be a research arm to bring forth information and data back to the Commission.

Chairman Carrison, "Comments from other Commission members?

Mr. Hadfield, "One of the concerns we had was to make sure that, because we have some interesting legal challenges with things regarding committees, to make sure that there was a link to the Commission, that clearly the authority of the Commission was present on that committee. That is why we recommended of the Chair and Vice-Chair.

Chairman Carrison, "I certainly have no objection to that. I actually like the idea, too. But as soon as we say we have to have three people from the commission on a sub-committee we

limit the sub-committees. Then you have too many meetings, and people don't show up. Although, I like the link. What's the pleasure of the Commission? One or two?

Ms McDonald, "I think we probably need to get further clarification from our legal representative because that is why we put that in there. To address it, this is a quagmire.

Chairman Carrison, "Mr. Myler, this is an advisory committee to this commission, and there is a commission member present at that advisory committee [meeting]. I understand the problems with the Open Meeting Law, but is there any legal reason that we can't have those people meet and come back and present recommendations to the Commission?

Mr. Myler, "The biggest problem is on the closed sessions. The way the law is written right now the only way a closed session can be had is for the whole commission itself, and you have to vote my a majority vote to have a closed session. That does not cover the committees. The Attorney General's Office has opined that each of the committees must satisfy the Open Meeting Law. Therefore, if a committee is going to go into closed session they have to come back to you for the authority to do that. The whole Commission would have to vote on that. So what should be in this bill is either the authority for them to do that, but it would be the members on the Commission are the only ones that can vote on that. I would think that would be important.

Vice Chairman Keller, "That is not the point. The point here is we ask Deputy Chief Cobb of Las Vegas Metro to gather with his counterparts in the State of Nevada to gather facts about cyber-technology and how it affects law enforcement, public safety and fire. Does he have to have... and he is not going to make decisions for the Commission. We're asking him to go out, gather his peers in public safety gather facts, bring them together for a presentation to the Commission, upon which we can review options and then make Open Meeting decisions. It's not about closing the session, it's about do we have to have one, two or three members of this Commission present in every research group we put together to gather data for presentation. I don't think we do, and I think we ask Dennis Cobb to lead that commission, I don't believe that is subject to the Open Meeting Law. They have to have the ability to gather information, to meet formally, or informally, ...

Chairman Carrison, "Well, in fact they are doing that anyway.

Vice Chairman Keller, "Exactly, ...

Chairman Carrison, "...and we just ask them to report. General Vanderhoof?

General Vanderhoof, "You know I couldn't agree more with Commissioner Keller. I think it would be a legitimate thing if this Commission wanted to know what the National Guard's ability to respond to different things were, and everything that you would ask me that, but I would tell you that I will never tell you that in a public meeting. And there would be no requirement that I would. It would be a legitimate thing that you could ask me that I would come back and report to this body on. I don't think that falls under the committee or sub-committee rule, where you have to have it in an open meeting. You are asking an independent body for some information to bring back to the committee. I don't see how an open meeting could ever be imposed on a body that you have asked to bring back information, just to inform you on.

Vice Chairman Keller, "I was in a position of resigning as Chairman of the Tourism Committee because I meet monthly with my counterparts in casino resort security at the corporate and operational level and wasn't allowed to go to lunch with them because they were the members of the Tourism Committee to look at the safety side of the resort industry. So I had to step away from that committee. I think it is .. Let me give a couple examples. I think Deputy Chief Cobb is, or Tim McAndrews, if I wanted to do a public processing of information, now do we best do that? During times of emergency, I'd ask Tim McAndrew to lead that. But that shouldn't be a group subject to the Open Meeting Law. On the other hand if we said we ant to look at public safety and our threat, vulnerability and needs assessment across this state we shouldn't exclude Sheriff Young and Mike Mayberry, or Earl Greene or Chuc [unintelligible]. If they are members of this commission, they are viable leaders in that group and they've got to be able to come together and discuss that without the tenants of having posted their... We have to

post the Sheriffs' and Chiefs' meeting as an Open Meeting if this were in fact the truth. So I believe we have two issues. Let's take the issue of gathering information that is going to come before this Commission for the purpose of gaining knowledge on which to make better decisions for the Homeland Security of our citizens. I don't think we have to have a member of the Commission be a part of it. A lot of us are not experts in that area. When we were looking at hospital issues we were fortunate to have Dr. Carrison as a Commission member before we had Mr. Lake. But Mr. Lake is an expert in that now, even though he is not a member of this Commission. But before this meeting he was an expert in that area. We asked Jim O'Brien to look at emergency management statewide and to gather that information together. He is not a member of the Commission. When he meets with his emergency managers, his counterparts, he wasn't subject 1) to Open Meeting Laws, and 2) have to have a member of the Commission present to. We are asking him in his responsible position, to gather facts, do the research and bring it back for presentation. If, on the other hand, we meet with more than a quorum then we certainly should be subject to the Open Meeting laws, unless we, in our authority, decide the information is a briefing from General Vanderhoof or Dan DeSimone, from the FBI for a classified briefing on vulnerabilities and threats, then we should close the meeting as a Commission. But I believe we have this whole process upside down, about how we gather information. I sat on the Nevada Sentencing Commission, and when we ask the Nevada Prison System to do research on sentencing issues within the state prison system they didn't have to follow the Open Meeting Law; only the Nevada State Sentencing Commission. Those action arms that we ask for are different than the policy formulation of this entire Commission. I believe we need to re-ask the Attorney General's Office for another opinion about the Open Meeting Law and those research groups we ask to gather information. Secondly, on the issue of closed meetings, if we formulate one of those groups that has to deal with sensitive information, as in gathering the military knowledge within the State of Nevada, identify us a list of resources, personnel, etc., that we would use to respond to an event, that has to be a classified list presented in closed door session. We could certainly establish that. We wouldn't expect General Vanderhoof to post that meeting gather that information to come to this Commission and make it a closed meeting to see the product. So, there are two issues there. Number one do we need members on our information gathering groups? We have to do semantics, here. We form a group to gather information, and then two if it is sensitive and it's presented to the Commission, we close the meeting.

General Vanderhoof, "I think it is legitimate for you to ask those questions, but I would say if I was strictly the Adjutant General and I had nothing to do with Homeland Security and you called me and asked me if I would gather some information and report back to you that wasn't confidential I would do it. But I would not do it in any kind of an open meeting and I don't think that anybody has the right or authority to tell me that I would have to do it. Obviously, the decision by the Attorney General before was if any commission members are involved then it automatically becomes a public meeting. I'm not the Attorney General, not my expertise, but it seems strange to me that a recommending sub-committee that didn't make a decision would have to do that. Because that stops the brainstorming and free flow of ideas, and yet they are not really making any decisions. They are going through that whole process and coming back. I would agree that maybe we do need to ask the Attorney General to take a look at that. If you asked the power company to provide you with some information that isn't confidential they are not going to hold a public meeting, either. They are going to gather the information and bring it back to you. So, those kinds of things I can't believe anybody would ever say would have to be under Public Meetings laws.

Mr. Spinello, "Thank you, Mr. Chairman. This seems to be something we do all the time in local government. There is a specific difference between committees, which I think this is referring to. It is talking about committees of the members, or sub-committees, like Finance, By-Laws and Legislative Committee. There I think you obviously want to have other experts as part

of that I think would be good, but you do want to have a quorum of actual members. In terms of this issue of open meeting law, there is, at least we recognize the difference, if our county commission appoints a sub-committee, a citizen's committee of some sort, that that is essentially an extension of them, even though it is only a recommending body back to them, it does have to follow the open meeting law. That versus, when the direct staff, you know, 'go get me some information on..' or direct staff to go and do 'such and such'. Every meeting of staff accomplishing that direction is not an open meeting event, it is simply staff doing its job. I think what Sheriff Keller has alluded to is that sort of thing. If we ask someone to bring us information, a private entity, the General, OEM, they would be able to do that. But here you are talking about specific bodies that are formed to do more general sorts of things.

Chairman Carrison, "Sheriff Young?

Sheriff Young, "I was just going to ask if legislative counsel bureau information gathering that Senator Nolan suggested, would that be subject to the Open Meeting Law?

Senator Nolan, "The answer to the question in 'No.' And just to further clarify this, Mr. Spinello, really identified what this was to pertain to. That was to the act of designated committees of this Commission and not to any information gathering entity or any other type of process that we would want. If we feel as a Commission, and unintended consequence of the proposed language is that we would stifle some of that process we can modify the language. It was just felt that in order to allow the committees to function in the way that the Commission intended them to, that this language was needed for standing committees.

Chairman Carrison, "Bob you were next and then Chief Washington, and then Chief Mayberry and then Mr. Myler.

Mr. Hadfield, "Thank you, Mr. Chairman. For clarification, I think as a group as we discussed this we've had a ton of committees, and we didn't envision that we would have a bunch of committees. Honestly speaking we wanted to make sure that the Commission, if they created a committee; it had the sanction of the Commission. We weren't alluding to asking people to do research. What we didn't want was a bunch of committees out there, quote – unquote, that people assume were our committees, but we had no membership, no nothing. We weren't trying to stifle anything; we were trying to elevate the importance of the committee, that you don't create the committee unless it is a truly important. And we wanted to make sure it had a formal link between the full commission and the committee.

Chairman Carrison, "Chief Washington?

Mr. Washington, "Those would be my sentiments as well. Mr. Chair, it seems to me that we would reduce the number of the standing committees. Because you don't need a bunch of standing committees. You can establish a task force, maybe, and reduce once the job or task they have been given would be taken care of.

Chairman Carrison, "I agree, and I like Task Forces, but let's hear from Chief Mayberry and then from Mr. Myler.

Mr. Mayberry, "This has been a contention of mine all along, that by the very formation of this committee, and I believe the Governor's intention when I spoke to him, that although there would be few and far between, there would be times when information would come to this committee that would not be public information just by the very nature of its sensitivity. And to try to not do the things Agent DeSimone talked about, to give the enemy so to speak, all of the knowledge that we need to protect ourselves. So however we accomplish that, I think that the Attorney General needs to take another look... there has to be a way. I know that was the intention, there has to be a way for us to accomplish that.

Chairman Carrison, "Mr. Myler, if in fact.. Clearly there will be some standing committees: By-Laws and Finance, those are standing committees and I don't have personally, and I don't know if any of the commissioners do that, there is no objection to Open Meeting on that. We're discussing our recommendations and coming up with that, but there are other areas... if I establish a task force and I say, 'Mr. Hadfield has expertise in this area, I want him to go out

and talk to people and come back to the Commission with recommendations. That is not a formal standing committee, its just that Bob is going to head up a task force to obtain and bring back information to this body so that we can make intelligent, informed decisions.

Mr. Myler, "Mr. Chairman, it is not my responsibility to give open meeting law opinions. That is a specialty in our office. If you want an opinion, that will have to go to our office. I must agree that one of the problems has been the fact that there were too many committees. I believe...

Chairman Carrison, "I believe there were too many committees. My only concern is that when we go to get an opinion, then we have lost another six or eight weeks. At this point we can't afford to loose time, we need to go forward with this Bill Draft Request. If the Legislative Counsel Bureau, with Assemblyman Horne and Senator Nolan assist us in this with the language, and help us with that, then I would ask for your assistance for the Commission in that matter. So we can go forward, and Miss McDonald if that would satisfactory with you.

Ms McDonald, "Yes. Mr. Chairman I would also like to add that that particular section would be inserted language about the committees, this is just enabling language. This certainly has facilitated the debate or the dialogue that we were hoping to achieve. We certainly talked extensively about it in the By-Laws and Legislative Committee. Not to jump fast forward to far, but before we get to the By-Laws, although you see a number of committees that are listed those are listed simply for consideration should you as the Chairman, and this would be based on our committee recommendation, as the Chairman you have the discretion to appoint, but certainly not to appoint the entire list that you see there. So that is in keeping with your statements about special task forces.

Chairman Carrison, "Senator Nolan, Assemblyman Horne, could we get a commitment from you to present this to the Legislative Counsel to assist us with the wording of this to accomplish what we have discussed here as the will of the Commission?

Senator Nolan, "Mr. Chairman, I think I can speak for Assemblyman Horne as well, if not then he is able; absolutely, we'll give you our support. We also have the support of Scott Wauserman, who is one of the lead legal deputies for the LCB who has been working with us on this already. It won't be an issue at all to have him modify this language.

Chairman Carrison, "Excellent, then what I would recommend Ms McDonald, rather than going through the rest of this if we presented this to Senator Nolan and Assemblyman Horne, if they could take this document that the By-Laws Committee has prepared and use that as what our will of the Commission is, with some sub-notes of what we have discussed today, so we can get this in process and go forward? Would that be satisfactory as the Chair?

Ms McDonald, "Yes, that would be great. Can we fast-forward to the last page? One more addition that isn't listed was to have all Department of Homeland Security funding and money goes the Nevada Commission on Homeland Security. This hasn't been place in here, but I wanted to bring this up before the full Commission to add that.

Chairman Carrison, "That actually was previously discussed, in Finance and we did that, and for Senator Nolan and Assemblyman Horne, that is the will of this body. We passed that motion unanimously. DHS money comes from many places and I don't think we can make an intelligent decision, as a Commission, about allocation of resources if we don't know what the allocation or the resources are. Anything further? [to Ms McDonald]

Ms McDonald, "No, not on that document.

Chairman Carrison, "Thank you very much.

Ms McDonald, "Moving on to the By-Laws...

Chairman Carrison, "Are the By-Laws intimately tied into the

Ms McDonald, "Yes, they are. The By-Laws mirror the Legislative proposal, so everything that you see is virtually a reflection of the Legislative proposals.

Chairman Carrison, "I would like to have the same caveats here, and send this to the Legislative Counsel...

Ms McDonald, "Excuse me, Mr. Chairman. The By-Laws are the presiding or operating document for the Commission, so these do not need to be forwarded to the Legislative Counsel Bureau. These are just..."

Chairman Carrison, "My only concern is the By-Laws will be tied directly to the legislation then we have to have the legislation before we can approve the By-Laws. Is that correct? Because the By-Laws have to meet the legislative requirements that are in acted."

Ms McDonald, "It is an internal document and is not subject to approval by the Legislative Counsel Bureau. That is just for the Commission to use in order to operate."

Vice Chairman Keller, "It is almost a synopsis of 441, correct?"

Ms McDonald, "Yes."

Chairman Carrison, "Yes it is with some slight changes. My only objection to this is on page 4 of 7, where the committees, I do like that it says, 'the committees to be considered by the Commission' and I would put that in as an FYI, that it by no means is to establish that these committees will in fact exist. [pause] Mr. Siracusa."

Mr. Siracusa, "Thank you Mr. Chairman, I would just like to make one clarification on Homeland Security monies. What we are talking about is all monies that come into the state dealing with Homeland Security need to come in front of the Commission. Not just DHS money. DHS money is already coming in front of the Commission. We are talking all monies that relate to Homeland Security need to come in front of the Commission. Because there is funding sources from Department of Agriculture, and other areas that are not DHS."

Chairman Carrison, "Did you get that clarification, Senator Nolan and Assemblyman Horne?"

Senator Nolan, "Yes."

Mr. Siracusa, "Thank you."

Ms McDonald, "So then that clarification would be reflected in both the By-Laws and the proposed legislative amendments."

Vice Chairman Keller, "I would like to go back to the Legislative Amendments. On page 6, the added item 7 says, 'before information is distributed requestors must undergo criminal background check.' I would like to have established what the criminal background check will consist of, you know, local, national, who conducts it and who pays for it? I think that needs to be established there. And on page 7, item 5 said, 'first responders shall be permitted access to hotel and resort emergency response plans.' That is the criteria set in AB 250, that are on file with the Nevada Division of Emergency Management. I believe AB 250 says that those are not only filed with DEM, but as well the fire department and the police department that has jurisdiction of the resort, that meets the NRS statute of a resort, 200 rooms 24-hours restaurant, etc. So I don't know if that is an applicable point. It is already establish in AB 250."

Ms McDonald, "Based on my recall with the meeting for the first responders, that they were not permitted access. They didn't have that at their disposal. That came about in our discussion in the committee meeting."

Chairman Carrison, "I am not familiar with that – AB 250. So the Vice Chairman has that."

Vice Chairman Carrison, "I have a copy of that and I know that all of the hotels, with 97% compliance the last time I looked, and I know the one I work for, I know we did that. We filed with DEM and the fire department and the police department that has jurisdiction. I don't know exactly where it is in the provision..."

Chairman Carrison, "Chief Mayberry?"

Mr. Mayberry, "I can tell you that AB 250 does require that hotels of the size that the Vice Chair mentioned submit the plans to the local agencies of jurisdictions and our hotels have done that to our police department."

Chairman Carrison, "Chief Washington and Chief Greene, your opinion on that is..."

Chief Greene, "I don't know all who are in compliance, but yes they do send their guidelines, their plans to us as a fire department agency.

Ms McDonald, "OK, so this perhaps isn't needed. Is there a recommendation that this item be stricken?

Chairman Carrison, "Mr. Myler, you have a comment?

Mr. Myler, "Mr. Chairman, that is not codified in NRS 463.790, Section 1, so Mr. Keller is correct.

Chairman Carrison, "OK, so you can strike that.

Ms McDonald, "OK, so we will strike that one.

Chairman Carrison, "It is my understanding Senator Nolan, that the Legislative Counsel Bureau goes through all this, they are going to determine all this, right? They are going to let us know what is redundant and what is already covered in statute?

Senator Nolan, "They do a very good job of that, but it doesn't hurt to have us eye-ball it as well.

Chairman Carrison, "I am just thinking in the interest of time, this will be the longest meeting we have, is the first meeting we have, after this we will shorten the meeting by one hour and hopefully more.

Senator Nolan, "Mr. Chairman, just a point, if I may? To respond to Mr. Keller's request, on page 6, item 7, ..It is a very good point about the level of a background check. I am assuming that we would want the highest level of civil or criminal background check, which is a local and an FBI? Background check based on fingerprints.

Chairman Carrison, "That is very expensive and time consuming. Ms McDonald did you have a fiscal discussion regarding this?

Ms McDonald, "No, we didn't and this is just another example of an items where we needed to get more information from the intelligence committee, and so forth.

Vice Chairman Keller, "I don't think this has to be resolved today, but it just has to be identified. We can't do like some of our bills get passed that puts it out there and there is either no consequence for failure to comply or there is no process to get it accomplished. I think that needs to be clarified in the language. Maybe LCB can do that.

Ms McDonald, "Certainly. We will certainly address that as we are crafting the language. I also want to notate on the last page, page 9, the funding for the Commission, since we are now under the auspices of the Governor's Office that will come from the Department of Public Safety. So that will be in the General Fund under that.

Vice Chairman Keller, "Would you repeat that again? On page 9, are you talking about item 1?

Ms McDonald, "Yes, looking at number 2. Yes, NRS 239C.280, the funding and distribution of funds. Now, the appropriations for the entire Commission will be placed under the State General Fund as part of the Nevada Department of Public Safety Budget. So that is where the funding source will come for the Commission. We are under the auspice of the Governor now and are basically under a re-organization. If you look at page 1 on the By-Laws, the very first paragraph, Article 1 under Authority, and it sit the third line down, 'The Governor has deemed the Nevada Department of Public Safety as the designated state agency to provide staff assistance to the Commission per NRS 239C.180. I just wanted to put that out on the record for clarification.

Vice Chairman Keller, "OK, what does that mean in practicality? Does that mean Frank Siracusa and the Department of Emergency Management no longer facilitates in... what does it take away and what does it add to DPS?

Ms McDonald, "It just states that the funding for the Commission will go through the Department of Public Safety. Their particular function will stay the same, but the budget will go through that particular department.

Mr. Siracusa, "Mr. Chairman, if I could speak on that just for a moment on that? Ms McDonald is absolutely correct, but when it moves over to the Department of Public Safety, the

Homeland Security Office will have its own identity and its own specific budget and budget account. So it will be functioning as its own independent body. The overall process would just be under the blanket Department of Public Safety.

Vice Chairman Keller, "What would it be called? The Office of Homeland Security?"

Mr. Siracusa, "I'm not sure. Whether it is going to be the Office or Division of Homeland Security, or how the Governor has that set up right now. It will be Homeland Security Office or Homeland Security Division. That's my interpretation of the...right now. As far as DEM, I think that they used the blanket the Department of Public Safety would provide staff support. We are a part of the Public Safety Department, we will continue to provide whatever staff support, but we will have the additional remaining part of the department to augment that.

Chairman Carrison, "General Vanderhoof.

General Vanderhoof, "I was going to bring this up later in the Public Comment, but since you bring it up I will say it now. I talked to the Governor's Office and explained some of the problems that I saw as a Commissioner here. I think that, at least to start out with, and I have talked with Dr. Carrison on this, that you actually need two full-time people just devoted to the Commission, and they would be down here in Las Vegas. One, that I will use the term Executive assistant, I think the state would put another label on it, but that would in effect what it would be. And then an administrative helper for that executive assistant. They have agreed that we can fill those positions. I am working with Dr. Carrison to do that now, so that would be two people, full-time, everyday here in this valley working for the Commission. That would be a number where you could call in, and to anybody that is the face of the Commission. They know how to re-direct things to the appropriate people or answer questions, whatever is necessary. I have offered up space in our North Las Vegas Armory for an office for those people for at least a year, maybe two. Then we would have to look at someplace else for them to go. Two of the major units have been mobilized out of that Armory for up to two years. So, even though we are still using it, with several other units, there is space, and there are computers, and there are copy machines and that type of thing. So we are going to go ahead with that right away, and that does give the Commission and the sub-committees whatever help they need for their minutes, for their notices and any other help the Commission would want from them. They wouldn't work for me, they would work for you.

Chairman Carrison, "And the funding source for that?"

General Vanderhoof, "It is grant money that will cover that.

Chairman Carrison, "And that is out of Mr. Siracusa's office?"

Mr. Siracusa, "The funding for the two administrative positions to support this Commission, that General Vanderhoof is talking about, will be funded 100% out of State General Fund dollars.

General Vanderhoof, "That's true. There are two that out of the General Fund, and two out of the grant funds. You will get the two out of the General Funds.

Vice Chairman Keller, "So in the new alignment, I have to ask this, in the new alignment Homeland Security in Nevada, do we have this Commission as a policy formulation board and an established action arm that monitors Homeland Security actions that is centralized. Rather than being decentralized, with a couple of people down here and Frank's Office and his staff and Department of Public Safety and their staff, and you and your staff; do we have a team that is laced up together, a leader and five or ten people, that look at Homeland Security issues in the State of Nevada as an action arm to do the work and other issues directed by this Commission, the monitoring of grants, the review and audit of the millions of federal dollars that we are sending out, the lining up to make sure that when they buy a radio that it will match the radio in Reno? In some future point in our inter-operability system in the State of Nevada, do we have that process anywhere in the State of Nevada? Because if we don't, we're standing still and when you are standing still in a time of war, you're going backwards.

General Vanderhoof, "You never want to go backwards in war. I would say that if you drew an organizational chart it might be confusing, but I'll explain it from my point of view. I don't work for the Department of Public Safety. I am still the Adjutant General of Nevada and have taken on this additional responsibility for Homeland Security. I work closely with George Togliatti, I would say that I partner with him. I do the same thing with DEM, with Frank Siracusa, as I will the Commission. I have a lot of day-to-day contact with the [federal] Department of Homeland Security, Department of Defense. As a matter of fact the Department of Homeland Security buries me ever day in e-mails, every single day. If they arrest a truck driver in Illinois I get told about it, which I couldn't care less. As strange as it sounds I think this can work, and I think that the people that we have in the positions will work together. I will be staying in touch with Dr. Carrison, with Frank, with George Togliatti on everything that I do. None of them work for me and I don't work for them, but we all have a common goal. I think, for example, that I would tell you that two of the things that I am working on right now is a State Homeland Security Plan that we should have had, but we don't; this Critical Facility and Key Asset thing that will tie into the other thing. I had planned to come up with what I will call a 'straw man,' ask various first responder communities to give me somebody to put together in a working group and go over, tear it up and build it up and everything. Then I intended to bring it back to this body and say, 'This is based on something I put together and something that the first responder community had a shot at in a working group to change. Now I am giving it to you for your cut at it, and then you can recommend to the Governor that this be adopted for the state plan.' I am not going to work in a vacuum; I am going to work with the Commission. Like I say, if you drew an organizational chart I don't think it would look right, but I think we can make it work right if we are all working towards the same goals. I don't think any of us are looking for any special credit over anybody else; we are all interested in the same thing.

Vice Chairman Keller, "I just want to make sure all the horses are in front of the wagon pulling in one direction, instead of hooked to the wagon pulling in all directions. That can happen. That is all I have to say.

Chairman Carrison, "Chief Mayberry.

Chief Mayberry, "I just had one follow up question for Mr. Siracusa. Does this language that is proposed in 239C.280 change anything that you have done or that the LEPCs ..the process, does it change anything in the process?

Mr. Siracusa, "No, it doesn't. No.

Chief Mayberry, "So, everything remains the same? Your function remains the same? Mr. O'Brien, for instance, his function remains the same? Everything is the same?

Mr. Siracusa, "Absolutely. Our function as the State Emergency Management Agency in coordinating state resources to support local government and our functions there stays the same. And our function as the State Administrative Agency stays the same.

Chief Mayberry, "Thank you.

Chairman Carrison, "Ms McDonald?

Ms McDonald, "OK, so with that Mr. Chairman, if I am correct, and I am seeking a clarification that you have placed a motion on the table directing Senator Nolan and Assemblyman Horne to assist and help facilitate the legislation that we are proposing as a committee for today.

Chairman Carrison, "I'm sorry..

Ms McDonald, "That is OK. I can restate that. You are making a motion, or suggested direction to Senator Nolan and Assemblyman Horne, to assist in the facilitation of this proposed legislation that is being recommended by the entire By-Laws and Legislative Committee for the 2005 Nevada State Legislature.

Chairman Carrison, "I will accept that as a motion. Do I have a second?

[unknown male voice], "I second.

Chairman Carrison, "Seconded. Any further discussion? I call the question. All in favor signify by saying 'Aye.' [many voices saying 'Aye'] Any opposed? [nothing said] Hearing no opposition, the motion passes unanimously. Ms McDonald, thank you.

Chairman Carrison, "In the interest of time I want to finish these presentations because I think they are very important. I am going to ask the presenters to do your best to get to 10 minutes if that is possible. And if it's not, then I will just cut you off. No. [laughter]

AGENDA ITEM #8: CURRENT STATUS OF HOSPITAL PREPAREDNESS IN NEVADA (Discussion Only) – Chris Lake, Director of Hospital Preparedness, Nevada Hospital Association

Chairman Carrison, "Next, Chris Lake, current status of hospital preparedness... This is under the purview of Nevada Hospital Association and I should have had you introduce him. Chris, introduce your self.

Mr. Chris Lake, "Thank you, Mr. Chairman and members of the Commission. Thank you for affording me the opportunity to come and give you a 60,000 ft overview of hospital preparedness in ten minutes, for over the last three years. My name is Doctor Christopher Lake. I work with Nevada Hospital Association. Nevada Hospital Association is one of the sub-contractors with the State Health Department. We are funded under a HRSA Cooperative Agreement. I throw those words out there so you understand that a cooperative agreement is different than a grant. We saw the subtleties of that during 2002 when Small Pox, or the threat of Small Pox, became an issue and they re-directed what all of our funds were to be used for. So there is a difference that can come back and hit us, between a cooperative agreement and a grant. Basically, what that means is we tell them how we are going to deal with several critical benchmarks that they suggest that we all deal with. And then should the national threat change, or if they believe there is a public health issue, they have the ability to come back and re-direct all of our activities. So that is the framework in which we work, and we work with a whole number of partners. Most of your agencies are involved in this as well; the state and county health departments for instance. The HRSA cooperative agreement has been around since mid-2002. They came into effect after the anthrax by mail campaigns. Essentially we started with 1 million dollars for the State of Nevada. That first year's grant focused mainly on hospital communications programs. Some of you, I am sure, Dr. Carrison's familiar with the EM systems program. We used those funds to that EM Systems hospital communication program throughout the State of Nevada. So that all of our hospitals can communicate together via Internet sources. That has also expanded now where the fire department, paramedic services, and ambulances, can communicate directly, on a daily basis, with the hospitals regarding the patients they are bringing in, and bed availability, and things of that nature. That was the first year. We also conducted a hospital assessment that first year to find out what our strengths and weaknesses are. It was essentially SWOTT analysis that pointed out where we needed to go for funding years two and three. Funding year two, the hospital association received approximately 2.8 million dollars to work on hospital preparedness. We focused on critical benchmarks that HRSA had handed down. That included four basic area: surge and isolation capacity, decontamination processes, communications, and also personal protective equipment for hospital staff. In surge and isolation capacity, that generally accounts for two different things. One is the ability to surge and handle that immediate influx of patients that may come from a terrorist attack involving knives, guns and bombs, and things of that nature, which make up approximately 90% of all terrorism in the world and account for approximately 20 patients, on average, per incident. But HRSA also wanted us to focus on the catastrophic event. They essentially ... weapon of mass destruction involving a biological element to it; plague, small pox, or something of that nature, as well as a possible public health threat that could be just as devastating, such as pandemic flu, or SARS occurrence here in the United States. With that focus, we moved into terms of isolation and the ability to

isolate infectious patients on a larger scale and keep them separated, but provide them quality medical care. We worked along the lines of providing the physicians, nurses and hospital staff with protective equipment, such as M95 masks, or particulate masks that screen out those tiny types of viruses. We work on developing a pharmaceutical caches that were not available for patients but were in fact available for the nurses and physicians were stockpiled at the hospitals, so if one of these viruses did present itself we knew that the nurses and physicians would have the protection that they needed for both themselves and their families so that they could actually show up to work and continue to treat these patients. With decontamination processes we are continuing to work. One of the things we found with decontamination processes nationally is that you really get one chance to do it right. With the anthrax by mail campaign in New York there was a nurse at the ear-nose-throat hospital that contracted anthrax. That resulted in the entire hospital being evacuated and shut down for nine days. Taking a hospital off-line in the middle of a crisis just adds a whole new element to our planning. And for the most part it has not been considered in the emergency plans. The other thing that we learned with decontamination is that it has to be available immediately. We have to have the right equipment, the right type of protection for our employees and the right kind of training. And there is a huge lead-time on purchasing that equipment. Everybody in the nation now is buying that equipment, so lead-time on that equipment is six months, eight months, and nine months long on that type of equipment. That has been a little bit of a challenge. We have been providing that equipment as it comes in. What are called PAPR, basically powered air respirators that filter the air around an individual so that they can work with either infectious patients or biological patients, or chemically contaminated patients. One of the things that we did, you may have seen it last week on the news, we also developed the nations' first disaster medical facility. It is a 50 bed portable hospital, if you will. It could be erected when and where we need it. It could be moved out to rural parts of the state. We could bring it to southern Nevada or up in the Reno area, wherever we need additional surge capacity. That hospital provides advanced level care in a controlled setting and can function as, what we call a Type C facility, or a contagious facility. If we did have small pox, or patients of that nature, we could direct them to that facility so that they can't infect other patients that are in the hospitals for heart attacks, car accidents or things of that general nature. We did exercise that last week, it went very well, everybody was fairly well impressed how that ran and we've been told from various federal agencies that they plan to make that the new model for EMAT teams and their response as well.

"Another program that we initiated here in Nevada is a uniform badging system so that every physician, nurse, medical practitioner has a standardized credential. It holds their licensing, credentialing and their privilege information on a smart card, if you will. It is very difficult to duplicate so any hospital can read the card, can validate that the person is who they said they are, and can obtain the information so that they can be placed in the best location so that they can do the most good for the most number of people. That is now incorporated into federal Public Law 107 and we continue to work with the Feds, both HRSA and CDC, in expanding that program throughout the nation.

"Communications. I mentioned communications. We worked with some of the fire department agencies and private ambulance services in the metropolitan areas to expand their 800 MHz service so they can communicate directly with hospitals in a time of crisis.

"And I mentioned protective equipment already. With decontamination and biological, we are providing a bunch of that protective equipment.

"We do have some additional needs as we move forward here. Staffing is obviously a major concern on a daily basis, which will be compounded in any kind of an emergency situation. We need to come up with a solution to the staffing. We need to come up with a solution to allow out of state practitioners the ability to practice in Nevada in an emergency situation with minimal processes to get them online. We do continue to need additional ventilators and additional equipment that would be necessary during these types of catastrophic events. We need additional

medical supply caches, although we are constructing those and getting those out to the hospitals as fast as we possibly can. And we need a life-cycle management program for all of this equipment. Most of the equipment that we buy is perishable or expires and that is a huge issue and will continue to be a huge issue, not necessarily right now, but in two years, or three years as the expiration dates of all of this equipment and all of these supplies start hitting and we need to repurchase or decide what the priorities are going to be. And with that, in the interest of time, I will cut it short and take any questions.

Chairman Carrison, "Thank you, I have a couple of questions. One; how many hospitals are in Nevada?"

Mr. Lake, "At this time we are working with 38 hospitals. We include a couple of long term acute care hospitals.

Chairman Carrison, "So that is 38 hospitals divided into the 2.1 million?"

Mr. Lake, "2.8.

Chairman Carrison, "That is the total resources. How much do these hospitals cost that you demonstrated last week?"

Mr. Lake, "The actual facility as it was demonstrated is about \$350,000 and the additional supplies and equipment in it are about an additional \$220,000.

Chairman Carrison, "How many do we need? So that is a half a million each?"

Mr. Lake, "Yes.

Chairman Carrison, "So how many of these do we need in Southern Nevada and how many do they need in Northern Nevada?"

Mr. Lake, "We anticipate a need for at least three. We have currently one. We are working towards the purchase of the second one. This will be phased in over the grant period, but we do not have enough at this time.

Chairman Carrison, "Final question, how do you staff them?"

Mr. Lake, "Staffing, again, is a huge issue. We are looking at working cooperative with our areas hospitals to bring staff from unaffected areas; rural hospitals. If the incident were down here; rural hospitals, northern hospitals would send staffing on a voluntary basis short term to staff these facilities. Likewise, all the hospitals down here guarantee, essentially, that they would send staff to the rurals or to the north if that were the case. After the initial 72 hours we would look to the Federal Government to send in resources through public health services. To be honest, they don't really have the resources to send either.

Chairman Carrison, "Chris, thank you. I apologize for shortening your presentation, but that is valuable information for this Commission. Does any other Commissioner have a burning question?"

Senator Nolan, "Not a question, but can we ask Chris to work with Ms McDonald on some of the requests, such as licensing from out of town, out of state medical personnel, and possibly expanded scope of practice, issues for nurse practitioners, paramedics and such in the event of a large scale crisis. Those are things that we can deal with ..

Chairman Carrison, "I think that would be excellent. We are going to make the legislative counsel very busy. Would you accept that responsibility, Ms McDonald?"

Ms McDonald, "Yes.

Vice Chairman Keller, "I first want to compliment the doctors of Nevada for looking at their capabilities and their compatibilities and having them line up so that you have a future target. That is exactly what we have to do in the State of Nevada in all Homeland Security issues that are affected. All of that is pick up the pieces stuff after stuff has happened. I don't want a discussion of bio-surveillance or what predicted behaviors or strategies we have, just that it is being addressed through the hospitals, health districts and ambulance/emergency medical, so that all of that is in place. It is critical to an advanced notice. I know biological events sometimes take seven days to be visible on that radar screen. I few get them at six maybe we'll save thousands. Thanks.

[unknown male voice] "I just had one quick question. You said you are working on the uniform badging. How far are you into that process?"

Mr. Lake, "We have gotten to the point where we have had several meeting with physicians groups and have a hospital group here in southern Nevada that has agreed to pilot that program. We have just hired an actual vendor to work with us on developing that smart-card technology and produce those badges. So we're into it, but we are in the first trimester.

[unknown male voice] "Alright, once you get it we have to make sure the cops let you through the lines to get there. Thank you.

AGENDA ITEM #9: CURRENT STATUS OF COMMUNICATIONS INTEROPERABILITY IN NEVADA (Discussion Only) – Terry Savage, Director

Chairman Carrison, "Person at the table in Carson City, do you have any questions? We are not ignoring you. I know I saw Dennis leave and I don't know if Chuc is still there or not. He's there. Is that Mark Blomstrom by any chance?"

Mr. Blomstrom, "That is correct, Mr. Chairman. Whenever you are ready for the next agenda item..

Chairman Carrison, "We are ready right now, and Mark would you introduce yourself, please? This is regarding the current status of communications interoperability in Nevada. Once again, just so that everyone knows, I apologize for this long meeting, we knew this would happen in the first meeting and I can assure that other meetings will not be this long. Thank you for your patience.

Mr. Mark Blomstrom, "Thank you, Mr. Chairman, and in line with your desire I will keep these remarks very brief. I will provide you with a brief overview on communications [unintelligible]. My name is Mark Blomstrom and I am the director for the Department of Information Technology and since some of you are new members I will provide you with a brief bit of background. The Nevada Communications Steering Committee (NCSC) has been meeting monthly since March of 2003. We actually preceded the previous Homeland Security Commission [Committee] and were in fact put together during the last legislative session. We have a total of 16 county, city, state and federal representatives currently as part of this committee. Our next meeting is scheduled for Friday, November 19th. Our primary charge at the moment is to develop a communications interoperability plan relative to AB441. We have received a planning grant award of \$300,000. This was received in December of 2003 and it is ODP money. We have identified a two-step process, basically a Needs Assessment followed by an actual plan development for communications interoperability. A consultant was hired this last July and they started immediately on that. We have sent out a survey of interoperability needs in August to approximately 340 first responder agencies in Nevada. That is how many we have identified. I would make note here that many of those are actually very, very small; one-person volunteer fire departments and they range all the way up to state agencies and Metro, itself. To date, most of the large first responder agencies have responded and the results of this fairly extensive survey have been placed into a large database. At this point the plan development by the consultant has begun. We will continue to work to complete a database, however that has turned into something of a living process in itself. We have begun development of the plan in parallel. We will begin discussing and reviewing the initial observations of the consultant at this next meeting.

"Also, as of this month, Nevada has been selected by the National Governor's Association (NGA) to participate as one of five selected states in a policy academy on the development of communications interoperability. While this is orientated generally towards development of the communications interoperability plan, the NGA focus is on policy of the relationships between political subdivisions and also on the governance associated with that. We will be pursuing that over the course of the next few months, out as far as a year. The results of that will be added, melded as we can into the overall communications interoperability plan. While

the committee feels that we are a little bit behind now on our initial timeline, we are otherwise making good progress and we do expect to have a draft plan for consideration within the next several months and in order to meet the July 1st 2005 legislative date. We expect that this plan will be strategic in nature. It will address not only technology, but also operational relationships and it will identify priorities within that. Much of the plan will be organized along federal guidelines that have been recently put out by the Safecom Office of the Department of Homeland Security. Mr. Chairman, the NCSC committee recognizes the legal quandary that the Commission is in right now with respect to the sub-committees and at this point the committee feels compelled to continue the work that we have started, and according to legal counsel we can do that under two other charters that this committee currently does exist under. Those being under NRS statute regarding executive branch formulation of technology committees by the Department of Information Technology; and also as a charter group to meet the requirements of FCC license requirement in the 700 MHz spectrum regarding formulation of what the FCC calls the State Interoperability Executive Committee (SIEC). So, we will continue on this track and hopefully, we will be able to present you information as a task force or whatever you may choose to call us in the future.

Chairman Carrison, "Yes, and it is obviously very important. I have read all the minutes of your committee, because it is a committee, even though it has two separate charters. It certainly provides valuable information for this body. In discussing this with various entities, law enforcement and fire community...again communications interoperability is number one on the list. We will talk about that when we prioritize things for this Commission, but the threat assessment and communications interoperability are inseparable. We have to have that and I think the example given in one of your minutes with regard to one of the fires up in Carson City/Reno area with the individual who was responsible for incident command up there it was a nightmare because of the lack of communications interoperability. That made an outstanding example. Does anyone have any questions for Mr. Blomstrom? Chief Greene?

Chief Geeene, "Yes, thank you. I was wondering, do we have a plan that would include, not just radios, but would you say the communications we are talking about are computer interoperability as well as radio capability?

Mr. Blomstrom, "At this point we are not directly addressing the aspect of computers as I believe you are alluding to. However, we are talking about the ability to pass data over the air. The primary piece of what we are looking at, as a communications interoperability plan, addresses the radio communications between first responders. Now that radio communications does include the ability to send data in some circumstances and that will include more of that in the future. That is an issue we are looking at, but the applications, such as computer aided dispatch, such as automated record keeping, those applications behind the radio system we're not currently looking at that right now. We are focusing on the fundamental to create interoperability between agencies, first responder agencies, first at that voice level, then we want to make sure it occurs with the ability to pass data and then beyond that we will look at the application programs behind that. The NCSC committee does have a charter to generally look at communication needs of governmental agencies within the State of Nevada. We are certainly not avoiding that issue, on the other hand we are focusing right now on the interoperability issue as the 800-pound gorilla.

Chairman Carrison, "Any further questions for Mr. Blomstrom? I appreciate your patience Mark in sitting up there in kind of lonely out there in the hinterland, but we appreciate you very much in making your presentation. Thank you. Look forward to working with you. Down here we have Deputy Chief Dennis Cobb with regard to communication interoperability on a local level here. Deputy Chief Cobb?

Chief Cobb, "Thank you, Mr. Chairman. I was going to amplify what Mark had given to you by giving you a quick summary of the strategy that we present to the prior iteration of this Commission and it is being used to frame the plans that Mark is talking about. I am Metro's representative to the Nevada's Communications Steering Committee. So you know, in our initial

conversations we decided that crisis interoperability is the first most urgent need. There is nominal, or day to day operability that police departments use all the time to work task forces collaboratively on narcotics or things that go between jurisdictions, but the purpose of this Commission, and their initial focus up there was, crisis that requires a collaboration in places where we don't normally work. So as we looked at it we decided the priorities that we wanted to recommend the Commission were effectiveness, value for the dollars that are spent, Make sure is done economically and with the acquisition of benefits that pass through to collaborative operative at a price. Security was a concern of ours, there were issues regarding the assessment of state interoperability the way it exists today, about securing information as it's collected. And then finding direction and coordination for the future. So you know, and partially, Chief Greene, in addressing your question, the consensus among the sub-committee was to focus on the links between distant systems. We saw an immense investment by the taxpayers of Nevada =, and to some extent the federal taxpayer base, investment in existing systems. We didn't feel there was a proper way to tell somebody to abandon a system, to move somewhere else is expensive. So as we looked at it and worked it through looking for ways to link the system together, it became apparent to members of the sub-committee that there is roughly a two-tier system of radio communications capabilities amongst emergency services in Nevada. There are smaller systems and then there are, arguably you could break it into four macro systems. There are four systems in the State of Nevada that serve a thousand users or so. In the case of Metro, we have 5,000 users on our network. Southern Nevada Area Communications Committee has over 2,000. From that we suggested, recommended at a presentation earlier this year to the Commission, that we emphasize what we call the Corps Four, to look at the way we maximize the links between these Corps Four systems, which were the State Share Radio System, which covers a geographic area top to bottom of Nevada and is used by DOT, NHP in some areas, by the Washoe Sheriff radio system, and covers multiple agencies in Northern Nevada, by the Metropolitan Radio System down here and by the Southern Nevada Area Communications Counsel. Those four systems a veritable bust and diverse platform that allows smaller agencies to link in this overall scheme. And what we proposed for the sub-committee was that the Corps Four receive some priority in terms of getting off the dime and working towards these interoperability links. In exchange for them taking responsibility for connecting to their local interoperability partners, their primary mutual aid partners, we didn't want to leave the small agencies behind. They are there on the sub-committee and they mentioned to us regularly that they are stretched to their limits financially and operationally and for us to change direction on them would leave them stranded. The Corps Four agencies as they are represented on the sub-committee all realize it is our responsibility to take care of connecting to them. And that is how the plan was presented this spring. We are looking at, so that the Commission knows, at different levels of interoperability and a chart promulgated by Safcom for this year. Basically, 3 out of 6 is all one system, and for reasons that I won't go into at this meeting we don't feel that a single system is safe to have for agency services. Level five has robust interoperability that you can reallocate on the fly. You can change dynamically as the situation evolves. We proposed a goal for the State of Nevada that we have level five interoperability between the Corps Four systems by sometime around 2010, because it is difficult to get everybody there. By 2007 we wanted .. I'm sorry, level 5 by 2007 and Level four is 2007, level five is 2010. I apologize for my notes. Level four's interoperability system is predetermined to be a primary working group. It is not quite as flexible, it doesn't allow radios to work outside of their home area, but it links all the radios together, for example in Southern Nevada, SNAC radio system talking to Metro's radio system. So a SNAC user can talk straight through, from Chief Greene's fire department to a Metro detective or to Henderson without worrying about whether or not they are in that coverage area. The final part of it for the Commission, from the state perspective, I want to mention that technical people on this committee already recognize mobility is, at best, no more than 50% a technical issue. We urged the Commission to include some sort of requirements for exercises and demonstrations with

results reported back to the Commission. It has been mentioned several times, the issue of accountability. The only way to know that crisis interoperability capability will work is if you test it. We recognize that because I can pick up my cell phone and call Moscow right now, that is a wireless system to a wireless system to an international system, potentially to another wireless system in another format in downtown Moscow, that is perfect technical interoperability. I won't know a word that I understand him saying, and he won't know what I am saying. So the operational part is something we don't want to lose sight of. Even though we overcome the technical issues, we have to understand and have to practice this to make sure it is communications and not just broadcasting. Metro, our part of it working down here with our Southern Nevada regional partners, we have installed five repeater sites now that have what we call the ITAP/ICALL shared mutual aid channels. We use frequency allocation down here working with SNAC, our principle interoperability partner, to put back-to-back repeaters on a pair of channels that cover, right now it works in all of Clark County, right now the most robust coverage, we started with the central part of the valley. The way the system works is a Metro police office can go to the ICALL channel and contact dispatchers who listen on these frequencies for other agencies for the SNAC system for example, and in exchange for this call transmission they move over to the tactical channel and that is where Chief Greene's firefighters and Chief Washington's firefighters can meet us on that channel. It was used in the Lee Canyon fire by Highway Patrol, Metro, fire and talked to one another up there across this. It is not a final answer, but definitely it is a step forward and a demonstrable benefit from the initial, I think it was '03 ODP money that we bought that with. Metro is in the process of building an interoperability support vehicle with some of the grant money we got last year, which will be able to be deployed in support of some of the command posts and agencies in the State of Nevada, in the regions and entities have. What we looked at is Metro pulling with robust communications capability that will allow us to link together radios to provide wireless computer communications. Chief Greene we look to be able to pull up and support your command post with a file server and some document irretrievability capability through our interoperability vehicle, so when you have to give FEMA documents we capture all of it for you, even if we are out in the middle of nowhere. That is a little bit delayed, Mr. Chairman. It turned out we were trying to buy our vehicle from the same place that had an enormous federal contract working Iraqi Freedom Operations, so we can't get our truck as fast as we thought. We hope to have that out on the road middle of next year. And finally, Metro's radio system is still in the planning stages. We are on hold as we evaluate our interoperability pathway with our regional partners. Fire, police, emergency medical in general we are looking at 700 MHz as a spectrum as the only play we are looking to go right now. 800 MHz in southern Nevada is a difficult a difficult radio environment. The 150 MHz, where we are at right now, is very limited radio real estate right now, there is a lot of interference there. So we need to move. The federal government set aside 700 MHz spectrum. We plan to go there because there is not a problem for us in southern Nevada with TV stations, and we don't want to let it lie empty. So as Mark Blomstrom mentioned earlier one of the charters for the sub-committee. And that gives us a lot of ability to stake out some room and create a place to work with our partners down here that is sort of open ground right now.

Chairman Carrison, "Thank you very much, Dennis. I think this is an absolute perfect example of what Jerry Keller and others here are trying to get across. We don't currently have a commission member on this group. This is valuable information that the Commission needs to know that there is cooperation and coordination among the agencies, not just in southern Nevada, but in the State of Nevada. We are working together on what's been identified as the number one problem. Mark, I see you at the table up there, do you have any further comments?

Mr. Blomstrom, "Yes, Thank you, Mr. Chairman. I have one more. I would just simply like to thank Dr. Chris Lake and also Deputy Chief Dennis Cobb as members of our Communications Steering Committee, and underscore one thing that Chief Cobb mentioned. That is that what we are discovering through the interaction of this committee and through work that is

being done in other communities and at the federal level, that is that the political and jurisdictional dimension of this issue is incredibly complex. Also, the operational aspects of it, in that setting in place, putting place, operational understanding is also complex; and then finally, that the funding issues and funding mechanisms are more problematic. All of those pieces are more problematic than the actual technology itself. It seems to be at times a focus. The technology, while not exactly easy, it is perhaps easiest of aspects of the entire aspect of the communications interoperability to address. We are trying to put the horse in front of the cart by addressing through needs assessments those interoperability needs as first responders. And clearly identify and analyze those and then move to a technological solution. Thank you, sir.

Vice Chairman Keller, "Thank you very much, we appreciate it.

Sheriff Young, "I have one comment, Mr. Vice Chairman. I would just like to add on to what Chief Cobb said. As a practitioner and police chief, one thing that this committee, and I want to make sure it is on the record, a lot of what Mark said another problem that we are having is the political wars that we have among these radio vendors. I think that this Commission has gotten caught up in this on a couple of occasions. Various newspaper writers are getting involved with this and I just want everybody to understand that, we can't be held up by these folks. The two major radio vendors in the United States are probably the most cutthroat, morally and ethically bankrupt organizations from the standpoint that I have seen how they do business with police agencies that I have ever been involved with. Every time Metro has tried to go forward with the radio project I have a lobbyist, three lawyers and people coming at me, and newspaper columnists accusing us of corruption because we may want to do business with somebody. So, I think we need to keep this above plane and out there in the open because these people in this business are not Nevadans, they don't care about this state, all they care about is making money. I think we need to make sure that we all know that. I don't care what people in the media say, we've got to do the right thing, get this communications and interoperability going and let the political chips fall where they may.

Chairman Carrison, "Thank you for those comments, Sheriff Young. I certainly share your feelings with regard to that. In the interest of time, we just found out that they scheduled another meeting at one o'clock [1 minute from now]. This meeting was to go to one, and for some reason, they scheduled another meeting for one.

AGENDA ITEM #10: PROPOSAL TO FORM A NEVADA HOMELAND SECURITY CONSORTIUM (Discussion Only) – Commissioner Maureen Peckman. [this item was not discussed at this meeting due to time constraints]

AGENDA ITEM #11: CONSIDER COMMITTEE STRUCTURE AND REORGANIZATION (Discussion/Action) – Chairman Carrison. Consider types of committees, chairmanship of committees and membership in committees. [this item was not discussed in detail at this meeting due to time constraints]

AGENDA ITEM #12: ESTABLISH COMMISSION OF HOMELAND SECURITY PRIORITIES (Discussion/Action) – Chairman Dale Carrison. [this item was not discussed in detail at this meeting due to time constraints] Discuss and prioritize programs and efforts focused to protect Nevada's citizens, visitors, and critical infrastructure. Proposed Homeland Security initiatives to be prioritized:

- (d) Need to fund and conduct a comprehensive Threat Assessment of Nevada jurisdictions
- (e) Proposal to establish a State of Nevada Department of Homeland Security
- (f) Establishment of a Communications Inter-operability plan

AGENDA ITEM #13: ESTABLISH COMMISSION MEETING DATES (Discussion/Action) – Chairman Carrison. Consider the types of committees and commissioners willing to serve on those committees. [this item was not discussed at this meeting due to time constraints]

- (g) January 6, 2005 (already approved)
- (h) April
- (i) July
- (j) October

AGENDA ITEM #14: OTHER COMMISSION BUSINESS (DISCUSSION ONLY) [this item was not discussed in detail at this meeting due to time constraints]

Chairman Carrison, “Ms Peckman has graciously given up her presentation. I would bring your attention to the National Security Development Agency document that was handed out by Maureen. It is important that all of you read this. This is an incredibly important concept that we are working towards that is becoming a center for excellence and teachers and other parts of the nation in regards to this is based on the resources we have. With regard to the committee structure, I think we have discussed that. The priorities we pretty much discussed. By Internet I would encourage all of you please communicate this by Internet or have your secretaries or administrative assistants, we will need to establish the dates. The date of January 6th is already approved. There is a report that has to get out. We are going to attempt to get as much information in to you and in communication with you with regard to the business of the commission, so that we won’t have another long meeting like this one. I have to ask, is there any public comment? Hearing no public comment, I appreciate everyone’s patience and....

Mr. Lowden, “Mr. Chair, I have some in the north.

AGENDA ITEM #15: PUBLIC COMMENT (DISCUSSION ONLY)

Chairman Carrison, “I’m sorry, Chuc. Please identify yourself.

Mr. Mirgon, “Sure. My name is Richard Mirgon with Douglas County. and also representing Chief Giomi with Carson City. We would just ask if the Commission would consider distributing some of the documents to us locally, that we believe are probably public documents. Obviously, we don’t want to get anything that is not a public document. But we feel kind of at a loss up here, that the Commission is discussing issues that we have no information on, so if we could get that information either e-mailed to us, or outlined in the agenda, that would be helpful to us. The other thing that we would like to ask of the Commission is that when they get into the re-write of this bill and they talk about DHS money to be very specific as to which money. We completely concur with the intent of the Commission and the money you are trying to look at, but because of the way that the federal government has put FEMA money and many other agencies under DHS, by adding too broad a language in there we could get bogged down into bureaucracy that was not intended. So we would ask that a lot care would go into how that language is structured. Thank you very much.

Chairman Carrison, “We will certainly take those comments to heart and make certain that the two members have all the information and the other information in regard to that we will see that that gets distributed to you. Chuc, anything further from Carson City?

Mr. Lowden, “No more from Carson City. Thank you.

AGENDA ITEM #16: ADJOURNMENT

Chairman Carrison, “I will entertain a motion for adjournment.

[male voice] “So moved.

Chairman Carrison, "All in favor signify by saying 'Aye.' [may voices saying 'Aye']
Opposed? [no opposition heard] Unanimously carried. Thank You. Meeting is adjourned. [1:03
pm]